



Summary Bulletin

of Reports of the Legislative Commission
to the 75th Session of the Nevada Legislature

Legislative Counsel Bureau

Bulletin No.
09-02

January 2009

SUMMARY BULLETIN OF REPORTS OF THE LEGISLATIVE COMMISSION
TO THE 75TH SESSION OF THE NEVADA LEGISLATURE

BULLETIN NO. 09-2

JANUARY 2009

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BULLETIN NO. 09-2

**SUMMARY BULLETIN OF REPORTS OF THE LEGISLATIVE COMMISSION
TO THE 75TH SESSION OF THE NEVADA LEGISLATURE**

INTRODUCTION

This bulletin summarizes 15 study reports that were completed during the 2007-2008 Interim for consideration by the 2009 Nevada Legislature. The Summary Bulletin serves two primary purposes:

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

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

Of the 15 study reports in this publication, two studies were initiated by special acts of the Legislature. Two studies were directed by concurrent resolutions approved during the 2007 Legislative Session. Four studies were established by the Legislative Commission. Seven studies were authorized by laws appearing in NRS, including studies conducted by the Committees on Education; Health Care; High-Level Radioactive Waste; Public Lands; and Review and Oversight of the Tahoe Regional Planning Agency and Marlette Lake Water System; as well as the Commission on Special License Plates.

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 prepared by the Research Division of the Legislative Counsel Bureau (LCB) as a guide to the contents of the regular study reports. For additional information regarding a particular study, interested parties should refer to the bulletin and staff contacts cited on the initial page of each section. These publications may be obtained from the LCB's Publications Office (telephone: 775/684-6835) or the Legislature's website at www.leg.state.nv.us and are identified by bulletin number.

LEGISLATIVE COMMISSION
(Nevada Revised Statutes 218.660)

Senator Randolph Townsend, Chair
Senator Mike McGinness, Vice Chair

Senate

Senator Terry Care
Senator Warren B. Hardy II
Senator Dina Titus
Senator Valerie Wiener

Assembly

Assemblyman Bernie Anderson
Assemblywoman Barbara E. Buckley
Assemblyman John C. Carpenter
Assemblyman Pete Goicoechea
Assemblyman Garn Mabey
Assemblyman John Ocegüera

BULLETIN NO. 09-3

**LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY THE BENEFITS,
COSTS, AND FEASIBILITY OF THE IMPLEMENTATION OF
COURTS OF CHANCERY IN NEVADA**

Assembly Concurrent Resolution No. 35
(File No. 109, *Statutes of Nevada 2007*)

Members

Senator Bob Beers, Chair
Senator Terry Care
Senator Barbara K. Cegavske
Assemblyman John C. Carpenter
Assemblyman William C. Horne
Assemblyman Tick Segerblom

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Assembly Concurrent Resolution No. 35–Committee on Elections, Procedures, Ethics, and Constitutional Amendments

FILE NUMBER 109

ASSEMBLY CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct interim studies concerning chancery courts and issues relating to senior citizens and veterans.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission is hereby directed to appoint a subcommittee to study the benefits, costs and feasibility of the implementation of courts of chancery in Nevada and a subcommittee to study issues relating to senior citizens and veterans; and be it further

RESOLVED, That each subcommittee must be composed of three members of the Assembly and three members of the Senate, one of whom must be appointed as Chairman of the subcommittee; and be it further

RESOLVED, That the study of courts of chancery must include, without limitation, a compilation and analysis of the economic and legal impact courts of chancery have had in states in which they have been implemented and an assessment of expected revenues, estimated costs of operation and any ancillary economic impact to Nevada that might result from the implementation of courts of chancery; and be it further

RESOLVED, That the interim committee studying issues relating to senior citizens and veterans shall evaluate, review and comment upon issues relating to senior citizens and veterans, including, without limitation:

1. Health and human services;
2. Elder abuse and exploitation;
3. Financial and physical wellness initiatives;
4. Housing and transportation; and
5. Public outreach and advocacy; and be it further

RESOLVED, That any recommended legislation proposed by either of the interim committees must be approved by a majority of the members of the Assembly and a majority of the members of the Senate appointed to the interim committee; 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 75th Session of the Nevada Legislature.

ABSTRACT

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY THE BENEFITS, COSTS, AND FEASIBILITY OF THE IMPLEMENTATION OF COURTS OF CHANCERY IN NEVADA

Assembly Concurrent Resolution No. 35
(File No. 109, *Statutes of Nevada 2007*)

The Legislative Commission's Subcommittee was directed to conduct a study of the benefits, costs, and feasibility of the implementation of courts of chancery in Nevada. The Subcommittee was created in 2007 under Assembly Concurrent Resolution No. 35 (File No. 109, *Statutes of Nevada*). The Legislative Commission must submit a report of the results of the study and any recommendations for legislation to the 75th Session of the Nevada Legislature.

The Subcommittee was directed to provide: (1) a compilation and analysis of the economic and legal impact to other states that currently have courts of chancery; and (2) an assessment of expected revenues, estimated costs of operation, and any ancillary economic impact to Nevada that might result from the implementation of a chancery court.

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 videoconferences between legislative meeting rooms at the Grant Sawyer State Office Building in Las Vegas, Nevada, and the Legislative Building in Carson City, Nevada. Three of the meetings included a simultaneous videoconference to the Great Basin College in Elko, Nevada.

During its final meeting, the Subcommittee adopted four recommendations, including one recommendation for a bill draft request, for consideration by the 2009 Legislature. The recommendations support the enhancement of the business courts operating in Nevada through the issuance and publication of written judicial opinions and through support for the proposed amendment to the *Nevada Constitution* to provide for an intermediate appellate court in Nevada.

The Subcommittee's final report will contain an overview of the study and a discussion of the Subcommittee's recommendations.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY THE BENEFITS, COSTS, AND FEASIBILITY OF THE IMPLEMENTATION OF COURTS OF CHANCERY IN NEVADA

Assembly Concurrent Resolution No. 35
(File No. 109, *Statutes of Nevada 2007*)

On July 8, 2008, during the fifth and final meeting of the Legislative Commission's Subcommittee to Study the Benefits, Costs, and Feasibility of the Implementation of Courts of Chancery in Nevada (Assembly Concurrent Resolution No. 35, File No. 109, *Statutes of Nevada 2007*), the members conducted a work session and voted to forward one bill draft request (BDR) to the 2009 Legislative Session. The Subcommittee members also voted to have two letters drafted to various entities expressing their support for specific issues or encouraging certain action and one statement of support for an issue in the Subcommittee's final report. A summary of the BDR, letters, and statement of support follows.

During the drafting process, specific details of the following proposals for legislation and letters may be further clarified by staff in consultation with the Chair or others, as appropriate. If a proposal for legislation or letter includes reference to specific chapters or statutes of the *Nevada Revised Statutes* (NRS), as part of the drafting process, amendments to other related chapters or sections of the NRS may be made to fully implement the proposals.

BILL DRAFT REQUEST

1. Draft legislation requiring the district court clerks to publish the written opinions of the business courts by making the opinions publicly available on the Internet, so long as Nevada's Supreme Court adopts rules requiring the business courts to issue written opinions explaining their decisions. **(BDR 1-179)**

LETTERS

2. Write a letter to Nevada's Supreme Court encouraging the adoption of court rules that:
(a) direct the business courts to issue written opinions explaining their decisions;
(b) provide for the publication in written, electronic, or other form, including, but not limited to, publication via the Internet of the business court opinions; (c) provide for the citation of the business court opinions in the courts of Nevada; and (d) specify the precedential value or authoritative weight that must be given to the business court opinions.
3. Write a letter to Governor Jim Gibbons and the Chairmen of the Senate Committee on Finance and the Assembly Committee on Ways and Means in support of Nevada's Supreme Court's budget request for additional funding to cover the costs of issuing and publishing business court opinions.

STATEMENT OF SUPPORT IN THE FINAL REPORT

4. Include a statement in the final report supporting the intermediate appellate court amendment to the *Nevada Constitution* set forth in Senate Joint Resolution No. 9 (File No. 69, *Statutes of Nevada 2007*), which will return to the 2009 Legislative Session.

BULLETIN NO. 09-4

**LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY
ISSUES RELATING TO SENIOR CITIZENS AND VETERANS**

Assembly Concurrent Resolution No. 35
(File No. 109, *Statutes of Nevada 2007*)

Members

Assemblywoman Kathy McClain, Chair
Senator Warren B. Hardy II
Senator Joseph J. Heck
Senator Joyce Woodhouse
Assemblyman Joseph M. Hogan
Assemblyman James A. Settelmeyer

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Assembly Concurrent Resolution No. 35–Committee on Elections, Procedures, Ethics, and Constitutional Amendments

FILE NUMBER 109

ASSEMBLY CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct interim studies concerning chancery courts and issues relating to senior citizens and veterans.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission is hereby directed to appoint a subcommittee to study the benefits, costs and feasibility of the implementation of courts of chancery in Nevada and a subcommittee to study issues relating to senior citizens and veterans; and be it further

RESOLVED, That each subcommittee must be composed of three members of the Assembly and three members of the Senate, one of whom must be appointed as Chairman of the subcommittee; and be it further

RESOLVED, That the study of courts of chancery must include, without limitation, a compilation and analysis of the economic and legal impact courts of chancery have had in states in which they have been implemented and an assessment of expected revenues, estimated costs of operation and any ancillary economic impact to Nevada that might result from the implementation of courts of chancery; and be it further

RESOLVED, That the interim committee studying issues relating to senior citizens and veterans shall evaluate, review and comment upon issues relating to senior citizens and veterans, including, without limitation:

1. Health and human services;
2. Elder abuse and exploitation;
3. Financial and physical wellness initiatives;
4. Housing and transportation; and
5. Public outreach and advocacy; and be it further

RESOLVED, That any recommended legislation proposed by either of the interim committees must be approved by a majority of the members of the Assembly and a majority of the members of the Senate appointed to the interim committee; 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 75th Session of the Nevada Legislature.

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ABSTRACT

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY ISSUES RELATING TO SENIOR CITIZENS AND VETERANS

Assembly Concurrent Resolution No. 35
(File No. 109, *Statutes of Nevada 2007*)

During the 74th Legislative Session, the Nevada State Legislature passed Assembly Concurrent Resolution No. 35 (File No. 109, *Statutes of Nevada 2007*), which directs the Legislative Commission to appoint a Subcommittee to study issues relating to senior citizens and veterans. Assembly Concurrent Resolution No. 35 requires that the Subcommittee evaluate, review, and comment upon issues relating to senior citizens and veterans, including, without limitation: (1) health and human services; (2) elder abuse and exploitation; (3) financial and physical wellness initiatives; (4) housing and transportation; and (5) public outreach and advocacy.

The Legislative Commission appointed six members to the Subcommittee to Study Issues Relating to Senior Citizens and Veterans, and they met six times. The Subcommittee met in Las Vegas, Nevada, on December 11, 2007; February 5, 2008; March 18, 2008; and June 19, 2008. It met in Carson City, Nevada, on May 7, 2008, and May 8, 2008. All six meetings were broadcast live on the Internet and videoconferenced between the Grant Sawyer State Office Building in Las Vegas and the Legislative Building in Carson City, which allowed testimony from both locations. Additionally, the meeting on May 8, 2008, was videoconferenced to Elko, Nevada, to allow testimony from eastern Nevada.

During the course of the study, representatives from federal, State, and local agencies; branches of the military; businesses; community groups; nonprofit organizations; professional organizations; and the public provided testimony on a wide range of topics relating to senior citizens and veterans. During the first meeting, the Subcommittee heard testimony relating to senior citizen and veteran demographics in Nevada; services available to senior citizens and veterans; committees, councils, and organizations relating to senior citizens; and federal, State, and private funding sources available for services for senior citizens and veterans.

At the second meeting, the Subcommittee focused primarily on issues relating to senior citizen abuse, neglect, isolation, and exploitation. Testimony during the third meeting focused on the topic of senior citizens living independently in the community. The fourth meeting continued the topic of senior citizens living independently in the community in addition to long-term care facilities for senior citizens, and the effect of State budget cuts on senior services. The fifth meeting focused primarily on topics relating to veterans.

During the sixth and final meeting of the Legislative Commission's Subcommittee to Study Issues Relating to Senior Citizens and Veterans, the members conducted a work session,

during which they considered 41 recommendations. The members voted to forward five bill draft requests (BDRs) to the 75th Legislative Session. The topics of the five BDRs include:

1. Creating an ongoing statutory committee on special adult populations (**BDR 17-97**);
2. Creating a central registry of information related to cases of abuse, neglect, isolation, or exploitation believed to have been committed against an older person (**BDR 38-98**);
3. Revising licensing requirements for residential facilities for groups and homes for individual residential care (**BDR 40-99**);
4. Revising the procedure for background checks required for the employees of certain facilities licensed by the Bureau of Licensure and Certification, Health Division, Department of Health and Human Services (**BDR 10-100**); and
5. Expanding property tax exemptions for certain veterans (**BDR 32-101**).

Additionally, the Subcommittee members voted to send 13 letters to federal, State, or local entities expressing their support for various issues relating to senior citizens and veterans.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY ISSUES RELATING TO SENIOR CITIZENS AND VETERANS

Assembly Concurrent Resolution No. 35
(File No. 109, *Statutes of Nevada 2007*)

On June 19, 2008, during the sixth and final meeting of the Legislative Commission's Subcommittee to Study Issues Relating to Senior Citizens and Veterans (Assembly Concurrent Resolution No. 35, File No. 109, *Statutes of Nevada 2007*), the members conducted a work session and voted to forward five BDRs to the 2009 Legislative Session. The Subcommittee members also voted to have 13 letters drafted to various entities expressing their support for specific issues or encouraging certain action. During the work session, the members also voted to include several statements of support for issues in the Subcommittee's final report. A summary of each BDR and letter follows, while the statements of support will appear in the Subcommittee's Bulletin (interim study report) later this year.

During the drafting process, specific details of the following proposals for legislation and letters may be further clarified by staff in consultation with the Chair or others, as appropriate. If a proposal for legislation or a letter includes reference to specific chapters or sections of the *Nevada Revised Statutes* (NRS) as part of the drafting process, amendments to other related chapters or sections of the NRS may be made to fully implement the proposals.

BILL DRAFT REQUESTS

1. Draft legislation to create an ongoing statutory committee on "Special Adult Populations" to address issues concerning groups such as senior citizens, veterans, and disabled adults. The Committee may study, among other important issues, the following topics:
 - A. Model guardianship laws and ways to improve protections for older persons involved in the guardianship system, including ways to improve investigation and monitoring systems; and
 - B. Ways to improve long-term care facilities in Nevada, which may include: (1) a reduction in out-of-state placements; (2) the creation of both an acute and long-term care special unit to treat people suffering dementia who have challenging behaviors; (3) the development of a long-term care gero-psych unit for treatment in both the north and south as an alternative to long-term care facilities; and (4) the creation of a Program for Assertive Community Treatment, similar to the Division of Mental Health and Developmental Services', Department of Health and Human Services (DHHS), Programs for

Assertive Community Treatment, that would provide follow-up care and track the progress of residents. **(BDR 17-97)**

2. Draft legislation requiring the Aging Services Division, DHHS, to create a central registry of information relating to substantiated cases of abuse, neglect, isolation, or exploitation committed against an older person. The information in the registry would include information related to cases of abuse, neglect, isolation, or exploitation gathered pursuant to NRS 200.5093. The Division could release information in the registry to an employer who provides services to older persons under certain circumstances. This legislation and the requirements for the registry should be modeled after NRS 432.0999 through 432.130, which relate to a registry of information concerning the abuse or neglect of a child. **(BDR 38-98)**
3. Draft legislation to revise licensing requirements for residential facilities for groups and homes for individual residential care in the following ways:
 - A. Require the Bureau of Licensure and Certification, Health Division, DHHS, to license an independent living portion of a facility when it is housed within a residential facility for groups with more than ten beds; and
 - B. Prohibit licensees of residential facilities for groups with ten beds or fewer and homes for individual residential care from renting rooms to boarders who do not meet the residency requirements of the type of group home for which they are licensed. An exception is that any person related within the third degree of consanguinity to a resident or staff person of the home may also reside there. **(BDR 40-99)**
4. Draft legislation that amends the provisions of NRS 118A.335 to remove the duplication of background checks that was created for certain facilities by the passage of Assembly Bill 352 (Chapter 315, *Statutes of Nevada*) in 2007. The amendment should state that employees working in facilities that are currently licensed by the Bureau of Licensure and Certification, and that meet the requirements for those employees under NRS 449.176 through 449.188, are exempt from the requirements listed in NRS 118A.335. **(BDR 10-100)**
5. Draft legislation to change property tax provisions for certain veterans:
 - A. Provide for a 100 percent property tax or privilege tax exemption for 100 percent service-connected disabled and individually unemployable veterans (NRS 361.090); and
 - B. Increase the amount of property tax exemption for veterans and add a new tier for those who are 40 to 59 percent disabled (NRS 361.091). **(BDR 32-101)**

LETTERS

6. Write a letter to the Senate Committee on Judiciary and the Assembly Committee on Judiciary during the 2009 Legislative Session to encourage them to review the changes made to NRS 200.5093 by Section 5 of Assembly Bill 267 (Chapter 324, *Statutes of Nevada 2005*) and consider reinstating members of the clergy and attorneys as mandatory reporters of abuse. If the language were reinstated exactly as it existed in statute prior to A.B. 267, then the following people would have to report suspected incidences of abuse, neglect, or isolation of persons over age 60: every clergyman, practitioner of Christian Science, or religious healer, unless he acquired the knowledge of abuse, neglect, exploitation, or isolation of the older person from the offender during a confession; and every attorney, unless he has acquired the knowledge of abuse, neglect, exploitation, or isolation of the older person from a client who has been or may be accused of such abuse, neglect, exploitation, or isolation.
7. Write a letter to Assemblyman Marcus L. Conklin, Chair of the Legislative Commission's Subcommittee to Study Mortgage Lending and Housing Issues (NRS 218.682), requesting that he and the Subcommittee members consider the following recommendation that was brought to the attention of the Subcommittee to Study Issues Relating to Senior Citizens and Veterans: "The State should require that the Division of Mortgage Lending, Department of Business and Industry (DBI), have total regulatory power and authority over the education and licensing of *all* mortgage brokers. This would require all originators of loans in the State of Nevada to hold a proper mortgage broker license, including those who are currently exempt under the provisions of NRS 645B.015, such as brokers in certain banks, credit unions, and other financial agencies."
8. Write a letter to Nevada's Congressional Delegation urging the passage of the Elder Justice Act (U.S. Senate Bill 1070 and House Resolution 1783).
9. Write a letter to district attorneys' offices in Nevada requesting that they take steps to improve the identification and prosecution of crimes against older persons. Specifically, the letter will encourage them:
 - A. To identify cases involving crimes against persons older than 60 so that the prevalence of crimes involving seniors can be tracked more accurately and data regarding the types of crimes that involve seniors can be more easily sorted and responded to;
 - B. To prosecute cases even when the victim is not available or willing to testify; and
 - C. Not to engage in plea bargaining for cases involving crimes against older persons that are punishable as gross misdemeanors or felonies.

10. Write a letter requesting that Nevada's State Demographer, Office of the State Demographer, Nevada System of Higher Education (NSHE), collect and report demographic information about persons age 60 or older in Nevada, not only age 65, as is currently the practice. The federal government uses 65 years of age as the definition of a senior, but Nevada laws vary, and many use age 60 as the definition of an older person or senior.
11. Write a letter to the Elder Abuse Task Force, the Attorney General, Aging Services Division, district attorney of each Nevada county, Clark County Protective Services, the Henderson Police Department, the Las Vegas Metropolitan Police Department, the North Las Vegas Police Department, and the Reno Police Department to encourage the use of multidisciplinary team approaches when handling cases of elder abuse, exploitation, neglect, or isolation. Send a copy of the letter to Governor Jim Gibbons and members of the Legislature.
12. Write a letter to local governments to encourage them to take the following action:
 - A. Develop or support pilot projects that would help create aging-in-place resources for local communities. The project could be modeled after the Atlanta Regional Commission's "Lifelong Communities" and "Fifty Forward" strategy, and Fairfax County, Virginia's "Age Friendly Community - 50+." Also promote the use of adult day health care centers as an alternative to nursing homes, and encourage the expansion of funding for home- and community-based programs to provide cost-efficient services that keep people in their homes living with dignity and independence at lower costs than nursing homes or residential facilities; and
 - B. Improve transportation for senior citizens in the community by: encouraging livable communities where services are conveniently located; supporting funding for existing clustered services such as senior centers that provide meals, recreation, and legal services; supporting transit-oriented development and public-private partnerships; supporting funding for public transportation; encouraging "complete streets" designed for safe, convenient access for all users including bicyclists, motorists, pedestrians, and transit riders of all ages and abilities; supporting measures that simplify the processes for obtaining information; and requiring that transportation and land use decisions be made with equal consideration.
13. Write a letter to Governor Jim Gibbons, the Senate Committee on Finance, the Assembly Committee on Ways and Means, the Senate Committee on Human Resources and Education (for the 2009 Legislative Session named: Senate Committee on Health and Education), and the Assembly Committee on Health and Human Services encouraging the continued support of the Senior Rx program, including pharmacy, dental, and vision programs.

14. Write a letter to the Senate Committee on Human Resources and Education (for the 2009 Legislative Session named: Senate Committee on Health and Education) and the Assembly Committee on Health and Human Services during the 2009 Legislative Session to encourage them to examine the following issues: the possible need to appropriate additional funds for oversight and supervision of health care facilities, including the funding of surveyors, and the creation of mechanisms to ensure public protection and immediate actions to protect consumers. Also encourage them to examine affordable prescription drug legislation and programs, including: pharmacy benefit manager transparency, oversight and reporting of pharmaceutical marketing practices and the payments and gifts to physicians, and restrictions on marketing practices known as “prescriber profiling,” which allow pharmaceutical companies to target doctors and reward salespeople for what doctors prescribe.
15. Write a letter to Governor Jim Gibbons and State agency administrators that are involved with the aging population (e.g., Nevada’s Department of Transportation [NDOT]; Aging Services Division, DHHS; Bureau of Licensure and Certification, Health Division, DHHS; Division of Health Care Financing and Policy, DHHS; and the Mortgage Lending Division, DBI), requesting that they conduct “internal scans” of their services. During the internal scan, agencies would examine their ability to provide services for the senior population currently in the State, project the needs in the future, integrate aging issues into their planning processes, and plan how they anticipate meeting the needs in the future. This could be modeled on the State of New York’s “Project 2015,” or Arizona’s “Aging Arizona 2020” project. Also request in the letter that the results of the internal scans be reported to the Nevada Commission on Aging; the Aging Services Division, DHHS; and the Legislative Commission’s committee or subcommittee that is responsible for senior issues at the time of the report’s release.
16. Write a letter to NDOT to encourage it to consider including in its executive budget a request for provisions similar to those in Assembly Bill 467 from the 2007 Legislative Session. This measure would have appropriated funds to NDOT to fund rural transit operations, including the Elderly and Persons with Disabilities program and the Non-Urbanized Areas Public Transit programs.
17. Write a letter to the appropriate military entities in the federal government and Nevada’s Congressional Delegation, as appropriate, urging the following:
 - A. The provision of a more seamless transition for service members to receive medical services when they return home from duty. The letter would encourage the creation of a system of mandatory registration with the Nevada branch of the Office of the Military for health and other services before service people leave active duty. Also, strategies to increase awareness of, and attendance at, Transition Assistance Program seminars should be explored;

- B. The creation of a memorandum of understanding between the Office of the Military and State of Nevada agencies (especially health agencies) to facilitate better coordination of services and records sharing. This would allow for more seamless transitions between active duty and redeployment regarding the coordination of health services;
 - C. The ability to use contracted medical care in highly rural communities so that veterans do not have to travel long distances and pay for overnight accommodations for themselves and their families to receive care; and
 - D. The authorization for military personnel in all branches to transfer their Government Issue Bill benefits for education to their dependents.
18. Write a letter to the NSHE encouraging the provision of the following:
- A. Programs to help recruit more mental health care providers to the State. Some programs might include: providing scholarships or loan forgiveness programs for mental health professionals who serve in rural areas of the State for a certain length of time; funding continuing education credits for mental health professionals to receive specialized training in post traumatic stress disorder (PTSD); or, instead of funding the continuing education credits, grant double credit towards continuing education for those who pay for a class in PTSD. This letter should also be sent to the School of Medicine, Division of Health Sciences, NSHE; and
 - B. A program in the universities similar to the “Boots to Books” program in Glendora, California. The course teaches interpersonal skills; transition issues; and methods of adapting to civilian life at home, school, and work. Options include incorporating such skills into a first-year experience course that already exists at the university, or to create a course specifically for veterans.

BULLETIN NO. 09-5

**LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY THE PLACEMENT
OF CHILDREN IN FOSTER CARE**

Senate Bill 356, Section 4
(Chapter 290, *Statutes of Nevada 2007*)

Members

Senator Steven A. Horsford, Chair
Assemblywoman Susan I. Gerhardt, Vice Chair
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Senate Bill 356, Section 4
(Chapter 290, Statutes of Nevada 2007)

Sec. 4. 1. The Legislative Commission shall appoint a subcommittee, consisting of three members of the Senate and three members of the Assembly, to conduct a study during the 2007-2009 interim concerning the placement of children in foster care.

2. The subcommittee appointed pursuant to subsection 1 shall, without limitation:

(a) Study the procedures and standards used in this State for placing children in foster care;

(b) Review the procedures and standards used in other states for placing children in foster care;

(c) Review and evaluate the standard for determining when to place a child in protective custody pursuant to NRS 432B.390;

(d) Address methods to reduce the number of foster care placements in this State, including, without limitation, the placement of children in group foster homes, family foster homes, child welfare facilities and other facilities which house children who have been placed in foster care; and

(e) Study other issues relating to the placement of children in foster care.

3. Any recommendations for 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.

4. The Legislative Commission shall submit a copy of the final written report of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature.

ABSTRACT

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY THE PLACEMENT OF CHILDREN IN FOSTER CARE

Senate Bill 356, Section 4
(Chapter 290, *2007 Statutes of Nevada*)

Senate Bill No. 356, as passed by the 74th Session of the Nevada Legislature, instructed the Legislative Commission to appoint the Subcommittee to Study the Placement of Children in Foster Care and charged the committee to:

- Study the procedures and standards used in the state for placing children in foster care;
- Review the procedures and standards used in other states for placing children in foster care;
- Review and evaluate the standard for determining when to place a child in protective custody pursuant to NRS 432B.390;
- Address methods to reduce the number of foster care placements in the state, including, without limitation, the placement of children in group foster homes, family foster homes, child welfare facilities and other facilities, which house children who have been placed in foster care; and
- Study other issues relating to the placement of children in foster care.

During the 2007-09 interim, the subcommittee conducted five meetings, including one work session. The five meetings were held in Las Vegas with videoconferencing to Carson City.

During the course of its work, the subcommittee considered testimony from representatives of Casey Family Programs, a national non-profit organization whose mission is the support of foster care improvement, and the National Conference of State Legislatures (NCSL) regarding methods and best practices to safely reduce the number of children placed in foster care. These two organizations also provided testimony regarding the safety assessment standards used in other states to determine when to place a child in protective custody, racial disproportionality among children placed in protective custody, and the methods used by other states to fund child welfare expenditures and maximize federal funding for these services. The Nevada Department of Health and Human Services, Division of Child and Family Services (DCFS); the Washoe County Department of Social Services (WCDSS); and the Clark County Department of Family Services (DFS) participated throughout the interim study and provided testimony on various subjects including the evaluation of the state's present standards for placing children in protective custody and possible methods to reduce the number of children placed in foster care. Representatives from Girls and Boys Town of Nevada and current and former foster care youth from Foster and Adoptive Youth Together (FAYT) provided testimony about their personal experiences with the foster care system in Nevada.

The subcommittee also received testimony from a representative of the University of Nevada, Las Vegas, School of Social Work, who explained the findings of an academic study published concerning the placement of children in protective custody in Clark County, including the use of the Child Haven facility.

In addition, the subcommittee heard testimony from members of a technical workgroup, which was created to review topics related to the focus of the interim study. The technical workgroup was comprised of representatives from the organizations and government agencies listed above, as well as representatives from other government agencies, and stakeholders including non-profit, community-assistance, and labor organizations.

At its fifth and final meeting, the subcommittee conducted a work session at which it adopted 11 recommendations, 5 of which are bill draft requests that will be introduced during the 2009 Legislative Session. The recommendations address topics such as: development of a practice model by which the child welfare agencies focus on a child-centered safety approach; changes to the funding of the child welfare system that provide for flexibility, prioritization, and optimization of current funding; collaboration between government agencies and stakeholder and community provider organizations; and changes to support increased use of relative placements in foster care.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY THE PLACEMENT OF CHILDREN IN FOSTER CARE

Senate Bill 356, Section 4
(Chapter 290, *2007 Statutes of Nevada*)

The following is a summary of the recommendations approved by the Legislative Commission's Subcommittee to Study the Placement of Children in Foster Care at its July 25, 2008, meeting. The subcommittee will submit these recommendations to the Director of the Legislative Counsel Bureau, the Legislative Commission, and ultimately to the 2009 Session of the Nevada Legislature, as appropriate.

Recommendation No. 1 - Propose a resolution articulating the importance of the child welfare agencies (Division of Child and Family Services, Clark County Department of Family Services, and Washoe County Department of Social Services) developing a practice model that focuses on a child-centered safety approach. Instruct the child welfare agencies to:

- Assess disproportionality in the Nevada child welfare system and develop a strategy to address the issue and that includes ongoing data tracking.
- Identify targets for reducing the number of youth in care and instruct the child welfare agencies to track reduction efforts and services.
- Implement structured risk and safety assessments.
- Emphasize the need for Child Protective Services (CPS) to investigate the validity of allegations of abuse or maltreatment before removing children from their homes. **(BDR R-476)**

Recommendation No. 2 - Issue a letter from the interim study committee instructing the state and county agencies to submit a plan for a different [flexible] funding model for the Legislature's consideration in the 2009 Session. Instruct the state and county child welfare agencies to reexamine block grant funding to county child welfare agencies as outlined in the information submitted to the Legislature during the 2007 Session. Seek funding diversification to fill financial gaps. (e.g. private/corporate.) Create transparent and fair (competitive) opportunities for community and faith-based organizations to stimulate best practices and efficiencies. Instruct the state and county child welfare agencies to produce benchmarks or performance indicators for measuring accountability in meeting child welfare outcomes, as outlined in the state/county interlocal agreements for child welfare funding. Instruct the agencies to include recommendations from an audit currently being conducted by the counties, articulating the current allocation of funds and how services are provided, and a plan

that would initiate or “trigger” flexible funding allowances, for review during the 2009 Legislative Session.

Recommendation No. 3 - Propose legislation enabling an interagency committee to evaluate and strengthen collaboration between community agencies, partners and the child welfare system, instructing them to review NRS 432B and associated regulations and ensure that it is aligned with current child welfare practice. An annual report of the interagency committee is to be directed to the Director of the Legislative Counsel Bureau, who will provide it to the appropriate legislative committees, to begin effective with the 2011 Session of the Legislature. **(BDR 38-475)**

Recommendation No. 4 - Issue a letter to the child welfare agencies instructing that actions be taken to strengthen collaboration with service providers to ensure that services are in place to keep children safely in their homes. Include in the letter the committee’s intent that the agencies improve utilization of and access to existing resources for identifying available services (e.g. 211), create and/or support a process for identifying gaps in the service array and determine a course of action for filling them. Encourage the child welfare agencies to identify from where youth are entering care and whether or not that matches where services are provided.

Recommendation No. 5 - Propose legislation that creates a mechanism for prioritizing access to services for families involved in the child welfare system. Initiate, maintain and increase community-based treatment services for mental health and drug/alcohol abuse and similar after-care and outreach programs. **(BDR 38-477)**

Recommendation No. 6 - Issue a letter to the Nevada Department of Health and Human Services (DHHS) encouraging it to investigate a strategy that utilizes TANF dollars to pay for mental health and substance abuse services for eligible child welfare involved participants. Also in the letter, request the department to allocate a small amount of TANF funds to substance abuse treatment for such families. Request the department to provide that a portion of the increased maintenance of effort (MOE) funding required to receive federal substance abuse block grant funds be dedicated to fund services for child welfare-involved families. Encourage the establishment of child welfare/TANF collaborative pilot projects in Clark County, Washoe County, or both. Encourage greater child welfare/TANF collaboration and encourage the creation of a task force to examine barriers to collaboration and recommend policies to address such barriers.

Recommendation No. 7 - Propose legislation to support a policy change to expand the relative definition in NRS 432B.480 and 432B.550 from the third degree of consanguinity to the fifth degree of consanguinity. **(BDR 38-478)**

Recommendation No. 8 - Propose legislation to support a policy change to remove the age requirement for the kinship care program. **(BDR 38-479)**

Recommendation No. 9 - Issue a letter to the child welfare agencies to encourage them to initiate a review of the approval process for applications of new foster care providers. The agencies should provide detail about the time that is required to process a foster care provider application and develop strategies to streamline or expedite the process while maintaining the integrity of the approval process.

Recommendation No. 10 - Send a letter to Casey Family Programs asking for flexibility in the use of grant funding awarded to the state by that organization to allow the state to hire a contractor to assist in identifying methods to maximize federal funding for child welfare services.

Recommendation No. 11 - Issue a letter to instruct DCFS to provide a status report to the Director of the Legislative Counsel Bureau for distribution to committee members of the evaluation of the state/county differential response pilot program, when available but no later than October 2008.

BULLETIN NO. 09-6

**LEGISLATIVE COMMITTEE TO OVERSEE THE
WESTERN REGIONAL WATER COMMISSION**

Senate Bill 487, Section 56
(Chapter 531, *Statutes of Nevada 2007*)

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Assemblyman Bernie Anderson, Vice Chair
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Senator Maurice E. Washington
Assemblyman David P. Bobzien
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Senate Bill 487, Section 56
(Chapter 531, Statutes of Nevada 2007)

Sec. 56. 1. There is hereby created the Legislative Committee to Oversee the Western Regional Water Commission created pursuant to section 23 of this act. The Committee must:

(a) Consist of six Legislators as follows:

(1) One member of the Senate appointed by the Chairman of the Senate Committee on Natural Resources;

(2) One member of the Assembly appointed by the Chairman of the Assembly Committee on Natural Resources, Agriculture, and Mining;

(3) One member of the Senate appointed by the Majority Leader of the Senate;

(4) One member of the Senate appointed by the Minority Leader of the Senate;

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

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

(b) Insofar as practicable, represent the various areas within the planning area.

(c) Elect a Chairman and a Vice Chairman from among its 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.

2. 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.

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

4. The members of the Committee shall meet throughout each year at the times and places specified by a call of the Chairman or a majority of the Committee.

5. The Director of the Legislative Counsel Bureau or his designee shall act as the nonvoting recording Secretary.

6. The Committee shall prescribe regulations for its own management and government.

7. Except as otherwise provided in subsection 8, four members of the Committee constitute a quorum, and a quorum may exercise all the powers conferred on the Committee.

8. Any recommended legislation proposed by the Committee must be approved by a majority of the members of the Senate and by a majority of the members of the Assembly appointed to the Committee.

9. Except during a regular or special session of the Legislature, the members of the Committee are entitled to receive the compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session, the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207 for each day or portion of a day of attendance at a meeting of the Committee and while engaged in the business of the Committee. The salaries and expenses paid pursuant to this subsection and the expenses of the Committee must be paid from the Legislative Fund.

10. The Committee shall review the programs and activities of the Western Regional Water Commission. The review must include an analysis of potential consolidation of the retail

distribution systems and facilities of all public purveyors in the planning area, which is described in section 22 of this act.

11. The Committee may:

(a) Conduct investigations and hold hearings in connection with its powers pursuant to this section.

(b) Direct the Legislative Counsel Bureau to assist in the study of issues related to oversight of the Western Regional Water Commission.

12. In conducting the investigations and hearings of the Committee:

(a) The Secretary of the Committee or, in his absence, any member of the Committee may administer oaths.

(b) The Secretary or Chairman of the Committee may cause the deposition of witnesses, residing either within or outside of the State, to be taken in the manner prescribed by rule of court for taking depositions in civil actions in the district courts.

(c) The Chairman of the Committee may issue subpoenas to compel the attendance of witnesses and the production of books and papers.

13. If any witness refuses to attend or testify or produce any books and papers as required by the subpoena issued pursuant to this section, the Chairman of the Committee may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) The witness has been subpoenaed by the Committee pursuant to this section; and

(c) The witness has failed or refused to attend or produce the books and papers required by the subpoena before the Committee which is named in the subpoena, or has refused to answer questions propounded to him,

↳ and asking for an order of the court compelling the witness to attend and testify or produce the books and papers before the Committee.

14. Upon a petition pursuant to subsection 13, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and to show cause why he has not attended or testified or produced the books or papers before the Committee. A certified copy of the order must be served upon the witness.

15. If it appears to the court that the subpoena was regularly issued by the Committee, the court shall enter an order that the witness appear before the Committee at the time and place fixed in the order and testify or produce the required books or papers. Failure to obey the order constitutes contempt of court.

16. Each witness who appears before the Committee by its order, except a state officer or employee, is entitled to receive for his attendance the fees and mileage provided for witnesses in civil cases in the courts of record of this State. The fees and mileage must be audited and paid upon the presentation of proper claims sworn to by the witness and approved by the Secretary and Chairman of the Committee.

17. On or before January 15 of each odd-numbered year, the Committee shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning the review conducted pursuant to subsection 10 and any recommendations for legislation.

ABSTRACT

LEGISLATIVE COMMITTEE TO OVERSEE THE WESTERN REGIONAL WATER COMMISSION

Senate Bill 487, Section 56
(Chapter 531, *Statutes of Nevada 2007*)

The 74th Session of the Nevada State Legislature approved Senate Bill 487, a special act of the Legislature, creating:

- The Western Regional Water Commission (WRWC) in Washoe County, Nevada, as well as the Northern Nevada Water Planning Commission (formerly the Washoe County Regional Water Planning Commission); and
- The Legislative Committee to Oversee the WRWC, to expire by limitation on July 1, 2013. The Committee is directed to review the programs and activities of the WRWC, including an analysis of potential consolidation of the retail distribution systems and facilities of all public purveyors in the planning area (as described in S.B. 487).

The Committee held five meetings, including a work session, during the 2007–2008 Legislative Interim. All meetings were open to the public. Two meetings were held in the Washoe County Commission Chambers in Reno, Nevada; one at the Sparks City Council Chambers in Sparks, Nevada; one at the Reno City Council Chambers in Reno; and a final work session meeting was held at the Legislative Building in Carson City, Nevada.

The meetings addressed:

- Progress of the WRWC, including the near- and long-term work plans and the Joint Powers Agreement authorized in Section 24 of S.B. 487;
- Regional water resources, including water supply versus demand, conjunctive use, drought storage, conservation, and water quality; and
- Various related topics, such as water planning in neighboring counties, the Truckee River Flood Project, importation projects, and conservation efforts in southern Nevada.

As a result of these hearings, the Committee adopted four recommendations for bill drafts to be considered by the 2009 Legislature. The recommendations address various technical revisions to S.B. 487, support for the Truckee River Flood Project, and encouragement of State and local efforts to improve and better coordinate water quality monitoring on the Truckee River. These bill drafts will be considered by the 2009 Legislature.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE TO OVERSEE THE WESTERN REGIONAL WATER COMMISSION

Senate Bill 487, Section 56
(Chapter 531, *Statutes of Nevada 2007*)

The following is a summary of the recommendations unanimously approved during the 2007–2008 Interim by the Legislative Committee to Oversee the Western Regional Water Commission. The following bill draft requests (BDRs) will be submitted to the 75th Session of the Nevada Legislature in 2009.

Recommendation No. 1

- **Draft legislation to make the following technical revisions to the Western Regional Water Commission Act (S.B. 487): (BDR S–240)**
 - a. **Revise language in Section 25 of the Act to allow the mayors of Reno and Sparks to serve as representatives of those local governments on the WRWC Board of Trustees.** Existing language restricts the Reno and Sparks representatives on the WRWC to members of the City Councils.
 - b. **Address the apparent conflict that excludes tribal lands from the planning area, while allowing for a tribal representative on the Northern Nevada Water Planning Commission to represent the largest tribal reservation in the planning area.** A tribal representative previously served on the Washoe County Regional Water Planning Commission, which was replaced by the Northern Nevada Water Planning Commission with the passage of S.B. 487. Tribal representation remains desirable on the Northern Nevada Water Planning Commission, but exclusion of tribal lands from the planning area appears to prohibit this.
 - c. **Correct existing language that allocates a seat on the Northern Nevada Water Planning Commission to the Washoe-Storey Conservation District rather than the Washoe County Water Conservation District.** The Washoe County Water Conservation District previously held a seat on the Washoe County Regional Water Planning Commission, but that seat was inadvertently changed to the Washoe-Storey Conservation District in creation of the new Northern Nevada Water Planning Commission.

Recommendation No. 2

Draft legislation to provide an appropriation of \$5 million to the Truckee River Flood Project to support ecosystem restoration activities. (BDR –238)

The estimated cost of the Truckee River Flood Project is \$800 million to be shared between the United States Army Corps of Engineers (federal share) and one or more nonfederal sponsors (including state and local governments, businesses, homeowners, nonprofit organizations, and others).

In the 2007 Special Session, the Nevada Legislature enacted Assembly Bill 5 (Chapter 11, *Statutes of Nevada*), formerly Assembly Bill 274 of the 2007 Regular Session, which appropriated \$5 million to support ecosystem restoration activities on the Truckee River. That money has already been targeted or committed. Additional funding is needed toward the nonfederal share.

Recommendation No. 3

Draft legislation to clarify the authority of the Truckee River Flood Project to establish certain special districts or funding areas for the purpose of generating local revenue necessary to develop the nonfederal share of the Project’s overall cost. (BDR 48–239)

State law currently authorizes local governments to establish general improvement districts, special assessment districts, and other special district governments for various purposes, and allows for rates, tolls, charges, and other forms of revenue to fund their established purposes. These provisions are primarily found in Chapter 318, “General Improvement Districts,” and Chapter 543, “Control of Floods,” of the *Nevada Revised Statutes* (NRS). This recommendation would revise necessary NRS provisions to clarify the ability of the Truckee River Flood Project to create a Flood Control District, Special Assessment District, or General Improvement District and to assess a rate, toll, or charge to assist in funding the benefits provided by the Project.

(This recommendation does not create a special district; it proposes to facilitate the creation of a district if such action is deemed appropriate by the Project’s Coordinating Committee.)

Recommendation No. 4

Draft a resolution encouraging entities engaged in water quality monitoring to work toward a coordinated watershed monitoring program that will refine and enhance existing monitoring efforts and technical studies, and make the results readily available to the public. The resolution will request the Division of Environmental Protection, State Department of Conservation and Natural Resources, to take the lead in developing a Memorandum of Understanding (MOU) among the entities engaged in water quality monitoring on the Truckee River, to better define and memorialize the monitoring programs and the coordination of those efforts and results. The resolution will further

request an update of the MOU and monitoring efforts at the first meeting of the S.B. 487 Committee during the 2009–2010 Interim. (BDR R–237)

Water quality monitoring on the Truckee River is conducted for biological, chemical, and physical constituents to determine if water quality standards established by the State are being met. States are required under the Clean Water Act to establish standards for all surface waters and to monitor them for compliance. Monitoring of surface and ground waters is also done for unique studies or to answer specific questions that may or may not be requirements of the Clean Water Act and/or the Safe Drinking Water Act. Most of Nevada’s water monitoring programs are implemented by the State or local governments.

There are approximately 50 locations on the Truckee River where some type of monitoring is conducted to protect drinking water supplies, river health, and water quality for downstream users. Of those, about 40 sites are monitored regularly (schedules vary by purpose of testing).

Local entities are working toward a coordinated watershed monitoring program that will enhance existing efforts to make them more efficient and effective, while minimizing duplication. They are undertaking extensive river modeling to better understand what is being monitored and why, and to assist in decision-making. However, this effort is underway without any formal written agreement or MOU.

Additional Committee Action

In the weeks prior to the Committee’s final meeting, Lori Williams announced her resignation as the Truckee Meadows Water Authority’s (TMWA) General Manager. In addition to the formal Committee recommendations previously outlined, the Committee directed staff to write a letter to Ms. Williams expressing its appreciation for her hard work, diligence, dedication to staff, and vision in bringing TMWA into the public domain.

BULLETIN NO. 09-7

**LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY
MORTGAGE LENDING AND HOUSING ISSUES**

Nevada Revised Statutes 218.682

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Nevada Revised Statutes 218.682

NRS 218.682 General powers. The Legislative Commission may:

1. Carry forward the participation of the State of Nevada as a member of the Council of State Governments and the National Conference of State Legislatures, and may pay annual dues to those organizations out of the Legislative Fund. The Legislative Commission is designated as Nevada's Commission on Interstate Cooperation.

2. Encourage and assist the government of this State to develop and maintain friendly contact by correspondence, by conference, and otherwise, with the other states, with the Federal Government and with local units of government.

3. Establish such delegations and committees as official agencies of the Legislative Counsel Bureau as may be deemed advisable to confer with similar delegations and committees from other states concerning problems of mutual interest. The membership of those delegations and committees must be designated by the Legislative Commission and may consist of Legislators and employees of the State other than members of the Commission. Members of those delegations and committees shall serve without salary, but they are entitled to receive out of the Legislative Fund the per diem expense allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207.

4. Endeavor to advance cooperation between this State and other units of government whenever it seems advisable to do so by formulating proposals for interstate compacts and reciprocal or uniform legislation, and by facilitating the adoption of uniform or reciprocal administrative rules and regulations, informal cooperation of governmental offices, personal cooperation among governmental officials and employees, interchange and clearance of research and information and any other suitable process.

5. Conduct studies or investigations concerning governmental problems, important issues of public policy or questions of statewide interest. The Legislative Commission may establish subcommittees and interim or special committees as official agencies of the Legislative Counsel Bureau to conduct such studies or investigations or otherwise to deal with such governmental problems, important issues of public policy or questions of statewide interest. The membership of those subcommittees and interim or special committees must be designated by the Legislative Commission and may consist of members of the Legislative Commission and Legislators other than members of the Commission, employees of the State of Nevada or citizens of the State of Nevada. Members of those subcommittees and interim or special committees who are not Legislators shall serve without salary, but they are entitled to receive out of the Legislative Fund the per diem expense allowances and travel expenses provided for state officers and employees generally. Except during a regular or special session of the Legislature, members of those subcommittees and interim or special committees who are Legislators are entitled to receive out of the Legislative Fund the compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day or portion of a day of attendance, and the per diem expense allowances provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207.

6. Supervise the functions assigned to the Divisions of the Bureau in this chapter.

7. Authorize the Director of the Legislative Counsel Bureau to enter into agreements for the acquisition of property it deems necessary to support the Legislature and its staff. The Director may expend money from the Legislative Fund for this purpose.

[10:134:1953]—(NRS A 1957, 386; 1961, 253; 1963, 1014; 1965, 1455; 1971, 2206; 1973, 119, 1118; 1975, 296; 1979, 612; 1985, 399; 1989, 1218, 1493; 1993, 2250)

ABSTRACT

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY MORTGAGE LENDING AND HOUSING ISSUES

Nevada Revised Statutes 218.682

On September 18, 2007, Nevada's Legislative Commission established the Subcommittee to Study Mortgage Lending and Housing Issues, under the authority of subsection 5 of *Nevada Revised Statutes* (NRS) 218.682. The Legislative Commission requested a study of residential foreclosures, the real estate market, and subprime lending in Nevada and other states, with a goal of mitigating future mortgage lending problems in our State.

The Subcommittee held five regular meetings and a work session at the Grant Sawyer State Office Building in Las Vegas, Nevada, and the Legislative Building in Carson City, Nevada, through simultaneous videoconferencing.

During the course of the study, the Subcommittee heard expert presentations and public testimony on the extent of mortgage lending problems and their impacts throughout the State, and on the following subjects:

- Consumer counseling and outreach programs;
- Federal initiatives to address mortgage lending problems;
- Other states' legislation on mortgage lending and housing issues;
- Licensing and regulation of mortgage lending professionals in Nevada and other states; and
- Policies and procedures to alleviate the effects of mortgage problems on renters of residential property.

At its first meeting on October 22, 2007, the Subcommittee voted to support submission of a proposal to the Legislature's Interim Finance Committee (IFC) to establish a statewide toll-free hotline to coordinate consumer services in the mortgage industry. The IFC considered the proposal on November 14, 2007, and authorized the use of up to \$100,000 from the mortgage lending reserve for a contract with a nonprofit staff to provide assistance to those who need it, and to accept any private donations that may be given to the State.

At its August 4, 2008, work session, the Subcommittee voted to request drafting of legislation for consideration by the 2009 Legislature. These recommendations include legislation to:

- Authorize the creation of community land trusts, which are nonprofit entities created primarily to acquire real estate for the purpose of providing affordable home ownership;
- Make various changes regarding the licensing and regulation of mortgage lending professionals, including establishing that a mortgage broker has a fiduciary duty to a client, requiring a mortgage broker to post a surety bond, requiring registration of out-of-state loan servicers who conduct business in Nevada, and other changes;
- Establish a recovery fund for persons harmed by the actions of mortgage agents, bankers, or brokers, similar to the existing fund for real estate licensees in Chapter 645 of NRS;
- Address issues related to foreclosure on residential mortgages by clarifying and expanding notice requirements; requiring a landlord to disclose to a prospective tenant if property he offers for rent is in foreclosure; giving 60 days' notice to a tenant occupying a home after a foreclosure sale before placing him in unlawful detainer; and clarifying that a lender or new owner who takes title to a home through foreclosure is subject to all applicable existing ordinances, regulations, and rules regarding the maintenance of the home; and
- Create a central repository for Nevada housing data and related data, with funding from the Account for Low-Income Housing (Housing Trust Fund), to assist State and local government agencies with planning and implementation efforts.

The Subcommittee also voted to include a number of policy statements in the final report, and directed the staff to prepare several letters to federal, State, and local elected officials on issues related to regulation of the mortgage lending industry.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY MORTGAGE LENDING AND HOUSING ISSUES

Nevada Revised Statutes 218.682

This summary presents the recommendations approved by the Legislative Commission's Subcommittee to Study Mortgage Lending and Housing Issues at its final meeting on August 4, 2008, in Las Vegas. The corresponding bill draft request (BDR) number follows each recommendation for legislation.

RECOMMENDATIONS FOR LEGISLATION

1. Enact legislation authorizing the creation of community land trusts (CLTs) designed to serve very low, low, and moderate income households. A CLT is a nonprofit entity created primarily to acquire real estate to be held in a long-term ground lease for the primary purpose of providing affordable home ownership. The owner of a home in a CLT would be issued a deed recorded in the county where the home is located and assigned a separate parcel number. The CLT would receive a real property tax exemption for the land and retain a preemptive option to purchase any structural improvements on the land at a price determined by formula and specified in the ground lease to ensure that the improvements remain affordable. **(BDR 25-227)**
2. Enact legislation related to mortgage agents, bankers, and brokers and related professions, as follows: **(BDR 54-230)**
 - a. To clarify that the Department of Business and Industry (DBI) has enforcement authority over foreclosure consultants, without implementing a new licensing scheme, and requiring the Commissioner, Division of Mortgage Lending, DBI, to adopt regulations to carry out the statutory provisions;
 - b. To increase the maximum fine for escrow agents and agencies from \$500 to \$10,000, consistent with the maximum fine for other licensees of the Division of Mortgage Lending, DBI;
 - c. To require mortgage brokers to post a surety bond;
 - d. To require registration of out-of-state mortgage loan servicers who conduct business in the State of Nevada;
 - e. To authorize administrative fines and other appropriate penalties upon a person who, without a license or statutory exemption, conducts any business or activity for which an escrow agency or mortgage agent, banker, or broker license is required;

- f. To establish that a mortgage broker has a fiduciary duty to a client; and
 - g. To authorize the Division of Mortgage Lending, DBI, to order its licensees to pay restitution to a consumer, in addition to its existing authority to levy fines.
3. Enact legislation to establish a recovery fund for persons harmed by the actions of licensed mortgage agents, bankers, or brokers, similar to the existing fund for real estate licensees in Chapter 645 of NRS. **(BDR 54-229)**
 4. Enact legislation related to foreclosure on residential mortgages, as follows: **(BDR 52-228)**
 - a. To create a hotline, ombudsman, service coordinator, or other mechanism to coordinate the services of State agencies and officers with jurisdiction over mortgage lending, including the Divisions of Financial Institutions and Mortgage Lending, DBI, and the Bureau of Consumer Protection in the Office of the Attorney General;
 - b. To require a notice of sale to include the telephone number of such a hotline, ombudsman, or service coordinator, as well as contact information for the lender's loss mitigation department, if any, or other person who can provide information on the status of the foreclosure process;
 - c. To require a landlord to disclose to a prospective tenant, on a statutorily prescribed form, if the property offered for rent is the subject of a notice of default or notice of sale, and provide that willful failure to disclose would constitute a deceptive trade practice under Chapter 598 of NRS, subject to both civil and criminal penalties;
 - d. To require posting of a notice of default and notice of sale at the physical address of the affected property, to be displayed prominently while the foreclosure process is pending, and to make it unlawful to willfully remove or deface the notice without authorization;
 - e. To require a notice of default and notice of sale to be sent to the licensing authority if the occupant of the premises is a licensed medical facility or facility for the dependent under Chapter 449 of NRS;
 - f. To require a specific notice to a tenant, stating that a notice of sale has been posted and the tenant has the option of breaking his lease or remaining in the home subject to eviction under Nevada's eviction laws, and including an explanation of eviction time frames;
 - g. To provide that a tenant occupying a home after a foreclosure sale must receive at least 60 days' notice (or notice equal to the length of his existing tenancy, if less

than 60 days) before being placed in unlawful detainer; to establish specific contents for the notice; to authorize the new owner to offer a cash payment for early return of the property or to negotiate a different outcome (e.g., new rental agreement); and to provide that a tenant who peacefully surrenders property under these circumstances would not have a record of eviction placed in his credit file or elsewhere, since he is not at fault;

- h. To provide that in a post-foreclosure eviction action, copies of all legally-required notices, including the notice preceding unlawful detainer and the summons and complaint must be given to the occupant of the property; and
 - i. To clarify that a lender or new owner who takes title to a home through foreclosure is subject to all applicable existing ordinances, regulations, and rules regarding the maintenance of the home, including covenants, conditions, and restrictions of a homeowners' association.
5. Enact legislation to create a central repository for Nevada housing data and related data, with funding from the Account for Low-Income Housing (Housing Trust Fund), to assist State and local government agencies with planning and implementation efforts.
(BDR 25-225)

SUBCOMMITTEE ACTIONS

The members of the Subcommittee to Study Mortgage Lending and Housing Issues voted to include the following statements in the Subcommittee's final report:

- 6. Supporting the continuance of required third-party counseling for consumers entering into certain loans and stressing that the Subcommittee discourages, in principle, the marketing of loans such as those that result in a loan-to-value ratio greater than 100 percent;
- 7. Stressing the importance of appropriate Housing Division, DBI, funding and programs to assist qualified distressed homeowners;
- 8. Supporting consumer education programs, such as, the Jump Start Coalition, and the inclusion of financial literacy in school curricula;
- 9. Supporting a proposal to establish a toll-free telephone hotline to coordinate consumer services in the mortgage industry in Nevada;
- 10. Supporting creation of a Home Bond Market, in which a public corporation would purchase troubled mortgages at a discount and refinance them at a lower rate with federal loan guarantees, and in which forgiven debt would become a second lien upon the property, due upon sale;

11. Encouraging consumer counseling agencies to focus their outreach activities precisely, since the criteria for qualifying for refinancing assistance are very specific; supporting relaxation of the Federal Home Administration (FHA), U.S. Department of Housing and Urban Development, requirement that a borrower must be at least 60 days delinquent to qualify for a FHASecure loan; and supporting incentives to lenders to use the FHASecure program;
12. Stressing that the Housing Division, DBI, should be prepared to intervene in neighborhoods to help them avoid blight and, if necessary, to help individuals transition into different living situations;
13. Supporting the creation of lease-back programs that allow occupants of homes lost through foreclosure to continue to occupy those homes as tenants;
14. Supporting mechanisms to transfer investor-owned homes lost through foreclosure to first-time buyers, with good loans;
15. Stressing the Subcommittee's intent that lenders or new owners taking title to a home after a foreclosure sale must abide by all applicable statutes, ordinances, and contractual obligations pertaining to the maintenance of the exterior of the property by maintaining any foliage, taking action against trespass, covering or draining any swimming pool, and taking other action as required;
16. Supporting an evaluation of Nevada's mortgage lending laws, to determine whether they appropriately address deceptive and fraudulent acts and impose sufficient penalties;
17. Supporting the concepts of notifying a tenant that his home is in the foreclosure process; providing a tenant with a fair opportunity to understand and prepare for foreclosure; and making notice requirements practical, reasonable, and respectful of privacy and contractual rights;
18. Encouraging outreach to prospective renters of single-family homes, urging them to use caution regarding defaults and pending foreclosures;
19. Supporting "cash-for-keys" programs, in which a tenant would receive \$2,000 or other amounts from the lender for moving expenses if he voluntarily vacates his home within 30 days after a foreclosure sale;
20. Encouraging lenders to work with licensed property managers to allow tenants to continue to rent homes acquired through foreclosure sales, pending resale;
21. Encouraging government agencies, nonprofits, and other private entities to develop and distribute educational materials making tenants aware of their rights regarding the return of security deposits;

22. Supporting such Nevada programs as the Housing Trust Fund, which produce much-needed affordable multifamily rental housing throughout the State, and stating that public money for affordable housing should not be diverted from existing programs, which are already oversubscribed; and
23. Supporting efforts of professionals within first-time homebuyer programs to restore confidence in housing markets by stressing that there is opportunity, even during bad times.

In addition, the Subcommittee directed staff to:

24. Prepare a letter to be sent on the Subcommittee's behalf to units of local government emphasizing their rights and duties to adopt and enforce ordinances regarding maintenance of residential property, particularly as those ordinances apply to homes changing hands through foreclosure, and urging them to submit suggestions to the 2009 Legislative Session regarding any additional authority they require in this regard;
25. Prepare a letter to be sent on the Subcommittee's behalf to Nevada's Congressional Delegation and the President of the United States, urging Congress and the President to conduct investigations and hold hearings on the actions of investment banks and other financial institutions that have enriched those entities but have also created grave problems for Nevada's residents, neighborhoods, and government agencies; and
26. Prepare a letter to be sent on the Subcommittee's behalf to the Attorney General of the State of Nevada urging that an investigation be conducted on whether mortgage lenders who are exempt from State licensing as mortgage agents, bankers, or brokers have conducted inappropriate activities to the detriment of Nevada's consumers.

BULLETIN NO. 09-8

**LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY
TRANSPORTATION ISSUES**

Nevada Revised Statutes 218.682

Members

Senator Dennis Nolan, Chair
Senator Dina Titus
Senator Randolph Townsend
Assemblyman Kelvin D. Atkinson
Assemblyman Pete Goicoechea
Assemblyman John Ocegüera

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Nevada Revised Statutes 218.682

NRS 218.682 General powers. The Legislative Commission may:

1. Carry forward the participation of the State of Nevada as a member of the Council of State Governments and the National Conference of State Legislatures, and may pay annual dues to those organizations out of the Legislative Fund. The Legislative Commission is designated as Nevada's Commission on Interstate Cooperation.

2. Encourage and assist the government of this State to develop and maintain friendly contact by correspondence, by conference, and otherwise, with the other states, with the Federal Government and with local units of government.

3. Establish such delegations and committees as official agencies of the Legislative Counsel Bureau as may be deemed advisable to confer with similar delegations and committees from other states concerning problems of mutual interest. The membership of those delegations and committees must be designated by the Legislative Commission and may consist of Legislators and employees of the State other than members of the Commission. Members of those delegations and committees shall serve without salary, but they are entitled to receive out of the Legislative Fund the per diem expense allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207.

4. Endeavor to advance cooperation between this State and other units of government whenever it seems advisable to do so by formulating proposals for interstate compacts and reciprocal or uniform legislation, and by facilitating the adoption of uniform or reciprocal administrative rules and regulations, informal cooperation of governmental offices, personal cooperation among governmental officials and employees, interchange and clearance of research and information and any other suitable process.

5. Conduct studies or investigations concerning governmental problems, important issues of public policy or questions of statewide interest. The Legislative Commission may establish subcommittees and interim or special committees as official agencies of the Legislative Counsel Bureau to conduct such studies or investigations or otherwise to deal with such governmental problems, important issues of public policy or questions of statewide interest. The membership of those subcommittees and interim or special committees must be designated by the Legislative Commission and may consist of members of the Legislative Commission and Legislators other than members of the Commission, employees of the State of Nevada or citizens of the State of Nevada. Members of those subcommittees and interim or special committees who are not Legislators shall serve without salary, but they are entitled to receive out of the Legislative Fund the per diem expense allowances and travel expenses provided for state officers and employees generally. Except during a regular or special session of the Legislature, members of those subcommittees and interim or special committees who are Legislators are entitled to receive out of the Legislative Fund the compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day or portion of a day of attendance, and the per diem expense allowances provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207.

6. Supervise the functions assigned to the Divisions of the Bureau in this chapter.

7. Authorize the Director of the Legislative Counsel Bureau to enter into agreements for the acquisition of property it deems necessary to support the Legislature and its staff. The Director may expend money from the Legislative Fund for this purpose.

[10:134:1953]—(NRS A 1957, 386; 1961, 253; 1963, 1014; 1965, 1455; 1971, 2206; 1973, 119, 1118; 1975, 296; 1979, 612; 1985, 399; 1989, 1218, 1493; 1993, 2250)

ABSTRACT

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY TRANSPORTATION ISSUES

Nevada Revised Statutes 218.682

On September 18, 2007, the Legislative Commission approved the creation of the Subcommittee to Study Transportation Issues. The scope of the study included transportation funding, transportation planning, and the use of alternative modes of transportation.

The Subcommittee held six meetings, including a work session, during the course of the 2007-2008 Legislative Interim. Five meetings were held at the Grant Sawyer State Office Building in Las Vegas, Nevada, and one meeting was held at the Legislative Building in Carson City, Nevada. 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 transportation. Issues included public-private partnerships for the construction of highways and related infrastructure; the present and future needs for transportation infrastructure in Nevada; the process for developing State highway projects; an overview of Nevada's Strategic Highway Safety Plan (NSHSP); reducing congestion on State highways; surface transportation funding options; alternative modes of transportation, including airplanes and railways; Nevada's Department of Transportation's (NDOT) Pioneer Project; and existing revenue resources that may be used to fund transportation infrastructure.

At the final work session meeting, the Subcommittee adopted six recommendations, including one that will be a bill draft request for consideration by the 2009 Legislature. The recommendations address the following major topics:

- Assessing a fee against a driver who is convicted of a major traffic violation;
- Funding for transportation infrastructure in Nevada;
- Encouraging NDOT to consider the impact of traffic on State highways and the effect it has on wildlife;
- Repealing the requirement to wear a helmet while driving a motorcycle; and
- Commending the Nevada Executive Committee on Traffic Safety for developing a NSHSP.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY TRANSPORTATION ISSUES

Nevada Revised Statutes 218.682

Following is a summary of recommendations adopted by the Legislative Commission's Subcommittee to Study Transportation Issues at its final meeting on August 21, 2008, in Carson City. These recommendations will be forwarded to the Legislative Commission and ultimately to the 2009 Session of the Nevada Legislature, as appropriate.

1. Draft legislation to assess a \$100 fee against persons who are convicted of reckless driving, driving on a suspended or revoked license, driving under the influence, or motor vehicle-related accidents or driving felonies. The money collected must be deposited into the State Highway Fund and must be used exclusively for the construction, reconstruction, improvement, and maintenance of highways. **(BDR 43-363)**
2. Send a letter to the Senate Committee on Transportation and Homeland Security (for the 2009 Legislative Session named: Senate Committee on Energy, Infrastructure and Transportation) and the Assembly Committee on Transportation to consider redirecting existing State General Fund revenues to be used exclusively for design, right-of-way acquisition, construction, reconstruction, improvement, and maintenance of highways. The letter should urge the Committees to consider funding recommendations made by former Governor Kenny C. Guinn's Blue Ribbon Task Force to Evaluate Nevada Department of Transportation (NDOT) Long-Range Projects 2008-2015.
3. Send a letter to NDOT encouraging the Department to consider the possible impact of highways on wildlife corridors, and apply mitigation strategies to protect both human and wildlife resources.
4. Send a letter to the Senate Committee on Transportation and Homeland Security (for the 2009 Legislative Session named: Senate Committee on Energy, Infrastructure and Transportation) and the Assembly Committee on Transportation to consider repealing the requirement to wear protective headgear for a driver who is over 21 years of age and licensed to drive a motorcycle. In addition, a passenger of a motorcycle who is over 21 and driving with a person who meets the aforementioned criteria is not required to wear protective headgear.
5. Send a letter to the Senate Committee on Transportation and Homeland Security (for the 2009 Legislative Session named: Senate Committee on Energy, Infrastructure and Transportation), the Assembly Committee on Transportation, and the Nevada Executive Committee on Traffic Safety commending the Nevada Executive Committee on preparing a Nevada Strategic Highway Safety Plan.

6. Send a letter to the members of Nevada’s Congressional Delegation urging their support of S. 3261 (Transportation, Housing and Urban Development, and Related Agencies Appropriations Act of 2009). The legislation includes an \$8 billion transfer from the Federal General Fund to the Highway Trust Fund to stop an expected Fiscal Year 2009 Trust Fund shortfall. If the shortfall is not resolved, the National Conference of State Legislatures predicts that states and their road projects will experience a shortfall even greater than \$3.2 billion—approximately four times as much—due to time lags between when states obligate their funds and when federal outlays are received. A delay of the shortfall fix creates uncertainty in state budgeting for transportation projects based on federal commitments.

BULLETIN NO. 09-9

**LEGISLATIVE COMMISSION'S STAFF STUDY CONCERNING SAFETY
WITHIN THE SCHOOLS AND COLLEGES OF THE STATE**

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ABSTRACT

LEGISLATIVE COMMISSION'S STAFF STUDY CONCERNING SAFETY WITHIN THE SCHOOLS AND COLLEGES OF THE STATE

The Legislative Commission in September 2007, at the request of Senator Dennis Nolan, directed the Legislative Counsel Bureau (LCB) to conduct a staff study concerning safety within the schools and colleges of the State. The basic purpose of the study was to consider issues in Nevada similar to those raised by the tragedies at Columbine High School, Virginia Tech University, and other educational institutions around the country.

The general requirements and guidance for the study included the collection of information that may be useful in determining the ability of Nevada's communities to effectively respond to a shooting incident at an educational institution in the State. Meetings with applicable law enforcement officials and organizations could be included, along with discussions about standardized school security, peace officer training, and sheltering and evacuation plans. The study could indicate procedural changes to ensure the safety of students and suggestions for changes in Nevada law to be discussed in the 2009 Legislature. Primary LCB staff assigned to the study included Brian L. Davie, Legislative Services Officer, Las Vegas Office, with the assistance of Craig Hoffecker, Senior Research Analyst, Research Division.

During the course of the study, staff reviewed previous studies and existing statutes in Nevada; worked with a task force of school and university police and other law enforcement and security officials convened by Senator Nolan; monitored other related meetings in Nevada; reviewed national and state studies on school and campus safety; monitored current events concerning the issue around the country; and examined information on the legislative response in other states. Through legislative direction and task force discussion, the study focused on certain aspects of active shooter situations to include prevention, officer response and alert/alarm/safe room systems, the rapid extrication of casualties, and training of faculty and staff.

The report of the staff study provides further information on these issues concerning safety within the schools and colleges of the State, and concludes with the following considerations and implications:

Based on discussions, presentations and information reviewed in the course of this study, Nevada's public school, university and law enforcement officials appear well versed on current recommendations and best practices pertaining to the response to active shooter situations. A major recent accomplishment is the development of the standardized lesson plan by the Peace Officers' Standards and Training Commission (P.O.S.T.) for training peace officers in active assailant response procedures.

Most school and university police have plans to upgrade surveillance systems, improve notification systems, implement and publicize anonymous tip lines, install safety measures, and

improve teacher and student training and awareness in this area. Some of these plans may be delayed or impeded due to budget limitations in the current economic climate.

This staff study suggests some considerations and implications that the Nevada Legislature and other State and local education and law enforcement officials may wish to consider for the future.

- The Nevada Legislature, through the Senate Committee on Human Resources and Education (for the 2009 Legislative Session named: Senate Committee on Health and Education) and the Assembly Committee on Education, may wish to review and update the laws on school crisis response plans (NRS 392.600 and 394.168 et seq.) which were adopted in 2001.
- The Legislature should consider any recommendations brought forward by the Attorney General's Teaching Tolerance Task Force, or its successor, concerning the prevention of active assailant situations. Such recommendations may include the establishment or continued development of threat assessment teams, anonymous tip lines, referral and information sharing systems, and related programs.
- During its interim deliberations, the Legislative Committee on Education may wish to include regular updates from education officials on school and university safety procedures and activities.
- A comprehensive review of the State's mental health statutes was beyond the scope of this study, but the Legislature may wish to consider such a review by a subsequent staff study or through the Legislative Committee on Health Care. The comprehensive mental health reforms in Virginia could be used as a template for evaluation of Nevada's laws.
- School and university police officials should consider and be encouraged to continue development of their emergency notification systems and ensure that those systems have redundant mechanisms to provide widespread dissemination of emergency information. Officials should consider periodic testing of notification systems and regular practicing of evacuation/lockdown procedures.
- Education officials may wish to consult with school and university police chiefs, or their designees, in planning all new construction or retrofit projects to ensure that best practices for safety considerations (i.e. safe rooms, deadbolts, metal doors, and other safety innovations) are included in the designs.
- Law enforcement officials may wish to continue to develop and provide trauma treatment training for police officers for mass casualty events, and education officials may wish to develop and provide basic life support training for faculty and staff personnel on schools and campuses.

- School and university police services may wish to establish, or continue to provide, safety and active assailant response training to faculty, staff and students. The “Shots Fired” video was recommended and other private and public resources are available for consideration.

BULLETIN NO. 09-10

LEGISLATIVE COMMISSION'S STAFF STUDY ON ELECTIONS

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ABSTRACT

LEGISLATIVE COMMISSION'S STAFF STUDY ON ELECTIONS

At its September 18, 2007, meeting, the Legislative Commission directed staff of the Legislative Counsel Bureau to conduct a study of Nevada's election system. Adopting a recommendation submitted by Assemblywoman Ellen Koivisto, Co-Chair of the Assembly Committee on Elections, Procedures, Ethics, and Constitutional Amendments, the Commission approved a study specifically addressing the following topics: voter registration, voter fraud, and voter identification; requirements concerning signature gathering for petitions and the reliability and security of computerized voting machines; absentee and mail-in voting provisions; and a proposal being circulated nationally that the President of the United States be elected directly by popular vote rather than through the Electoral College.

To conduct the study, staff primarily compared Nevada's statutory scheme with those of other states and reviewed the findings and recommendations of a number of recent studies in order to develop options for consideration by the 2009 Legislature. The Legislative Commission also agreed at its September meeting that staff should expand the study at its discretion to include other pertinent election-related topics. Over the course of the interim several topics arose that were outside the scope of the original study request.

In particular, Nevada's term limits for elected officials were challenged in court as they impacted office holders for the first time since their enactment in 1996. The final report will summarize the arguments before and eventual ruling of Nevada's Supreme Court concerning term limits.

Additionally, the Office of the Secretary of State conducts an annual assessment of Nevada's ongoing efforts to comply with the national *Help America Vote Act of 2002*. The results of that assessment and a summary of the State's federally mandated updates to the 2007-2008 State Plan will be included in the final report. The Secretary of State has also joined with the Federal Bureau of Investigation, United States Department of Justice, to create an Election Fraud Task Force that will monitor the 2008 elections. An overview of the Task Force's mission and its actions will be included in the report.

Finally, the 2008 General Election is expected to generate the highest voter turnout in Nevada's history. In addition to addressing statutory changes approved by the 2007 Legislature, election officials have taken steps to identify and address potential problems that may arise during the 2008 election cycle. The final report will summarize how the legislative changes approved in 2007 were addressed and what impacts they had. It will also provide an overview of the challenges presented by the 2008 General Election, the steps taken by election officials to address those challenges, and any recommendations made by those officials for statutory changes that should be considered during the 2009 Legislative Session.

ADVISORY COMMISSION ON THE ADMINISTRATION OF JUSTICE

Nevada Revised Statutes 176.0123

Members

Justice James W. Hardesty Nevada Supreme Court, Chair
Senator Mark E. Amodei
Senator Steven A. Horsford
Assemblyman John C. Carpenter
Assemblyman David R. Parks
Catherine Cortez Masto, Attorney General
Bernard W. Curtis, Chief, Division of Parole and Probation
Larry Digesti, Representative, State Bar of Nevada
Gayle W. Farley, Victims' Rights Advocate
Raymond Flynn, Assistant Sheriff, Las Vegas Metropolitan Police Department
Judge Douglas W. Herndon, Eighth Judicial District Court
Phil Kohn, Clark County Public Defender
Arthur E. Mallory, Churchill County District Attorney
James Miller, Sheriff, Storey County
Dorla Salling, Chairman, State Board of Parole Commissioners
Richard Siegel, President, ACLU of Nevada, Inmate Advocate
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Nevada Revised Statutes 176.0123

NRS 176.0123 Creation; members and appointing authorities; Chairman; terms; vacancies; salaries and per diem; staff.

1. The Advisory Commission on the Administration of Justice is hereby created. The Commission consists of:

(a) One member who is a district judge, appointed by the governing body of the Nevada District Judges Association;

(b) One member who is a justice of the Supreme Court of Nevada or a retired justice of the Supreme Court of Nevada, appointed by the Chief Justice of the Supreme Court of Nevada;

(c) One member who is a district attorney, appointed by the governing body of the Nevada District Attorneys Association;

(d) One member who is an attorney in private practice, experienced in defending criminal actions, appointed by the governing body of the State Bar of Nevada;

(e) One member who is a public defender, appointed by the governing body of the State Bar of Nevada;

(f) One member who is a representative of a law enforcement agency, appointed by the Governor;

(g) One member who is a representative of the Division of Parole and Probation of the Department of Public Safety, appointed by the Governor;

(h) One member who has been a victim of a crime or is a representative of an organization supporting the rights of victims of crime, appointed by the Governor;

(i) One member who is a representative of an organization that advocates on behalf of inmates, appointed by the Governor;

(j) One member who is a representative of the Nevada Sheriffs' and Chiefs' Association, appointed by the Nevada Sheriffs' and Chiefs' Association;

(k) One member who is a member of the State Board of Parole Commissioners, appointed by the State Board of Parole Commissioners;

(l) The Director of the Department of Corrections;

(m) Two members who are Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate; and

(n) Two members who are Assemblymen, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly.

↪ If any association listed in this subsection ceases to exist, the appointment required by this subsection must be made by the association's successor in interest or, if there is no successor in interest, by the Governor.

2. The Attorney General is an ex officio voting member of the Commission.

3. Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Commission must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

4. The Legislators who are members of the Commission are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Commission.

5. At the first regular meeting of each odd-numbered year, the members of the Commission shall elect a Chairman by majority vote who shall serve until the next Chairman is elected.

6. The Commission shall meet at least once every 3 months and may meet at such further times as deemed necessary by the Chairman.

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

8. While engaged in the business of the Commission, to the extent of legislative appropriation, each member of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

9. To the extent of legislative appropriation, the Attorney General shall provide the Commission with such staff as is necessary to carry out the duties of the Commission.

(Added to NRS by 1995, 1353; A 2001, 2568; 2005, 581; 2007, 2818)

SUMMARY OF RECOMMENDATIONS

ADVISORY COMMISSION ON THE ADMINISTRATION OF JUSTICE

Nevada Revised Statutes 176.0123

The final meeting of the Advisory Commission on the Administration of Justice (*Nevada Revised Statutes 176.0123*) for the 2007-2008 Interim was held on December 17, 2008, but additional meetings may be scheduled as necessary.

Due to the timing of the Commission'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/74th/Interim/StatCom/AdminJustice/index.cfm>.

BULLETIN NO. 09-12

LEGISLATIVE COMMITTEE ON EDUCATION

Nevada Revised Statutes 218.5352

Members

Assemblywoman Bonnie Parnell, Chair
Senator William J. Raggio, Vice Chair
Senator Barbara K. Cegavske
Senator Bernice Mathews
Senator Maurice E. Washington
Assemblyman Moises (Mo) Denis
Assemblyman Harvey J. Munford
Assemblyman Lynn D. Stewart

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Nevada Revised Statutes 218.5352

NRS 218.5352 Legislative Committee on Education: Creation; membership; Chairman and Vice Chairman; vacancies.

1. The Legislative Committee on Education, consisting of eight legislative members, is hereby created. The membership of the Committee consists of:

(a) Four members appointed by the Majority Leader of the Senate, at least one of whom must be a member of the minority political party.

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

2. After the initial selection, the Legislative Commission shall select the Chairman and Vice Chairman of the Committee from among the members of the Committee. After the initial selection of those officers, each of those officers holds the position for a term of 2 years commencing on July 1 of each odd-numbered year. The Chairmanship of the Committee must alternate each biennium between the houses of the Legislature. If a vacancy occurs in the Chairmanship or Vice Chairmanship, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

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

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

(Added to NRS by 1997, 1775)

ABSTRACT

LEGISLATIVE COMMITTEE ON EDUCATION

Nevada Revised Statutes 218.5352

Nevada's Legislative Committee on Education is a permanent committee of the Nevada Legislature whose authorization and duties are set forth in Chapter 218 of the *Nevada Revised Statutes* (NRS). Created in 1997 with the enactment of Senate Bill 482 (Chapter 473, *Statutes of Nevada*), known as the Nevada Education Reform Act, 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 Act of 2001, and any other fiscal or policy concerns associated with public education.

The Committee held ten meetings during the 2007-2008 Interim. 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 information on the statewide testing options as well as the status of Nevada's application to the United States Department of Education for implementation of a student growth model to measure adequate yearly progress (AYP). It received information on the AYP status of schools and school districts resulting from the administration of standardized tests in the 2006-2007 school year. The list of designations of schools, including those in need of improvement, was also provided to the Committee. The Committee also recommended the list of effective remedial programs.

The Committee received several presentations from the Department of Education and representatives of the school districts on various programs that received funding for the 2007-2009 biennium. In addition, it received presentations on the impact of budget reductions on those programs.

It also received testimony on Nevada's Second Parent Involvement Summit and the Parent Involvement Network. Reports were provided concerning the System for Accountability Information for Nevada and the Youth Risk Behavior Survey. It also received presentations on the transition from middle school to high school.

The Committee focused attention on school personnel. It received testimony on teacher pay-for-performance plans, recruitment incentives, working conditions surveys, and preparation and licensing. It considered the roles and duties of school counselors and the preparation and licensing of substitute teachers.

Finally, the Committee met at the Andre Agassi College Preparatory Academy in Las Vegas to receive testimony on charter school authorization.

Members of the Committee adopted 25 proposals with regard to public education in Nevada, including statewide testing, expenditures for instructional materials, charter schools, the Commission on Educational Excellence, licensed educational personnel, and statewide governance structures for elementary and secondary education. Major recommendations include proposals to:

- Establish an independent charter school institute as a statewide entity with authority to sponsor charter schools and repeal the grant of authority to the State Board of Education;
- Require the Department of Education to adopt an official model to measure and report pupil academic growth from year to year;
- Establish a process to enable a school district experiencing an economic hardship to seek a waiver of all or a portion of the maintenance of effort required for textbooks, instructional hardware, and instructional supplies;
- Urge the Governor and chairs of the Senate Committee on Finance and the Assembly Committee on Ways and Means to restore funding for staff positions at the Department of Education and for specific education programs that were eliminated or reduced due to the budget reductions;
- Define bullying within the context of a safe and respectful learning environment;
- Require the Commission on Educational Excellence to use the list of effective remedial programs when approving grant applications and require applicants for grants to list all funds requested and received from all other funding sources;
- Require training for substitute teachers;
- Urge an interim study of statewide public school governance; and
- Request funding for the regional training programs, educational technology, signing bonuses for newly hired teachers, and a study of the alignment of curriculum in algebra and geometry to State academic standards.

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 (LCE) at its August 21, 2008, meeting and further developed at its meeting on October 7, 2008. A bill draft request (BDR) number corresponds to each recommendation for legislation.

STATEWIDE TESTING OF PUPILS AND REPORTING OF RESULTS

The members of the LCE adopted the following proposals relating to statewide testing of pupils and reporting of the results.

1. Amend the statutes to require the Department of Education to adopt an official model to measure and report pupil academic growth from year to year. Require schools, school districts, and the State Board of Education to apply the model and report findings, based on the use of the model, in their annual accountability reports along with the measures used to determine adequate yearly progress. **(BDR 34-294)**
2. Amend the statutes to provide that a pupil may be eligible to obtain a high school diploma, according to alternative criteria, if the pupil has failed the writing portion of the high school proficiency examination at least twice before beginning grade 12, rather than as existing statute requires that the pupil must have failed the writing portion at least three times. **(BDR 34-294)**

FUNDING AND BUDGET REDUCTIONS

The members of the LCE took the following actions with regard to proposals relating to funding and budget reductions.

3. Amend the statutes to provide for a waiver of required expenditures for textbooks, instructional hardware, and instructional supplies, which includes a process for application by a school district, a definition of economic hardship, a limitation on the length of time of the waiver, and prohibitions on the use of money that would have been required to be expended as maintenance of effort. **(BDR 34-295)**
4. Send a letter to the Governor, with copies to the chairs of the Senate Committee on Finance and the Assembly Committee on Ways and Means, expressing support as funds become available for restoration and continued funding of the staff positions in the Department of Education provided by the 74th Legislature and the 23rd Special Session, including the following positions:

- Parent involvement coordinator;
 - Gifted and talented coordinator; and
 - Empowerment coordinator.
5. Send a letter to the Governor, with copies to the chairs of the Senate Committee on Finance and the Assembly Committee on Ways and Means, expressing support as funds become available for restoration and continued funding for specific educational programs provided by the 74th Legislature and the 23rd Special Session, including the following programs:
- Expansion of full-day kindergarten;
 - Planning for and establishment of empowerment schools;
 - Biennial funding of educational technology;
 - Expansion of career and technical education programs;
 - Support for gifted and talented programs;
 - Allocations to the school districts in meeting electricity, heating, and cooling costs; and
 - Appropriations to the Account for Programs for Innovation and the Prevention of Remediation to be awarded as grants by the Commission on Educational Excellence.
6. Amend the statutes and appropriate funds as follows:
- a. Provide an appropriation from the State General Fund to 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 34-296)**
- b. Provide the following with regard to educational technology:
- (1) Provide an appropriation from the State General Fund to the Department of Education to allow the Commission on Educational Technology to continue the grants to the school districts for educational technology **(BDR 34-296)**; and
 - (2) Amend the statutes to require each school district to submit in its application to the Commission on Educational Technology the following: its priorities for purchasing and maintaining educational technology, whether the funding is for the continuation of a program or for the establishment of a new program, and all funds requested and received from all other sources for the same or similar proposals. **(BDR 34-296)**

- c. Provide an appropriation from the State General Fund to the Interim Finance Committee to continue contractual services to provide a web-based program designed to provide parents with individualized criterion-referenced test results and resources aimed at improving student performance. **(BDR 34-296)**

CHARTER SCHOOLS

The members of the LCE took the following actions with regard to proposals relating to charter schools.

7. Amend the statutes to establish a charter school institute as an independent entity, including provisions creating a board, repealing the authority of the State Board of Education to sponsor charter schools, the payment of administrative fees, and an appropriation for initial costs. **(BDR 34-297)**
8. Amend the statutes to provide that a sponsor of a charter school may appoint one member of a charter school governing body in addition to those required by statute. **(BDR 34-298)**
9. Amend the statutes to provide that the current yearly payment of administrative fees from the charter school to its sponsor shall be changed to quarterly payments. **(BDR 34-298)**
10. Amend the statutes to require the submission of a charter school's renewal application not less than 120 days prior to the expiration of the current charter. **(BDR 34-298)**
11. Amend the statutes to require each regional training program to provide services to teachers and administrators who are employed in charter schools sponsored by the State or the Nevada System of Higher Education, or in any university school for profoundly gifted pupils, if the school is located in the region of the training program. **(BDR 34-298)**

SCHOOL AND CAMPUS SAFETY

The members of the LCE adopted the following proposal relating to school and campus safety.

12. Amend the statutes to define bullying and include bullying in the training, data collection, and reporting required of school districts for a safe and respectful learning environment. **(BDR 34-303)**

COMMISSION ON EDUCATIONAL EXCELLENCE

The members of the LCE adopted the following proposal relating to the Commission on Educational Excellence.

13. Amend the statutes to require that in funding commercially available remediation programs, the Commission on Educational Excellence must only approve grant applications that include approved programs on the list of effective remedial programs. **(BDR 34-299)**
14. Amend the statutes to provide that the Legislative Auditor shall include in his biennial audit of the programs funded by the Commission on Educational Excellence a study that reviews the movement of funds from the Commission to the grant recipients, a determination whether the funds were used at the school or consortia level for the program for which the funds were received, and recommendations for the most efficient use of State funds at the school or consortium level. **(BDR 34-299)**
15. Amend the statutes to provide for the following changes to the grant application: require an applicant to indicate whether the funding is for the continuation of a program or for the establishment of a new program and list all funds requested and received from all other sources for the same or similar proposals. **(BDR 34-299)**

EDUCATIONAL PERSONNEL

The members of the LCE took the following actions with regard to proposals relating to school personnel.

16. Send letters to the deans and heads of the colleges, schools, and departments of education at the institutions of the Nevada System of Higher Education and to the State Board of Education, asking them to work together to ensure that teacher education programs, at all levels of licensure and in all subject endorsements, include instruction in specific areas. Require them to report on the status of this request to the Legislature and the chairs of the standing committees on education by December 1, 2008.
17. Amend the statutes to eliminate the requirement that an applicant for licensure from another state, pursuant to a reciprocal agreement, must have previous experience in teaching or other educational functions, if the applicant has successfully completed licensing examinations that are substantially equivalent to the exams required in Nevada. **(BDR 34-300)**
18. Amend the statutes to require the Commission on Professional Standards in Education provide regulations on training programs for substitute teachers. Include a waiver for those applicants for substitute licenses that hold a current or expired Nevada teaching license or hold a license from another state. Provide that a regional training program shall provide instruction for substitute teachers for the member school districts of the

region and that a school district, providing an equivalent program, may opt out of the program provided by the regional training program. Require the Department of Education to record completion of a training program on a substitute teacher's license. Require an individual seeking licensure as a substitute to complete a training program and prohibit a school district from employing a substitute who has not completed a training program. **(BDR 34-300)**

19. Take the following actions regarding incentives to recruit and retain teachers:
 - a. Provide an appropriation to continue a program of signing bonuses in the amount of \$2,000 to newly hired teachers. **(BDR 34-296)**
 - b. Provide for a transitory section directing the Superintendent of Public Instruction to conduct a study of the effectiveness of signing bonuses. **(BDR 34-296)**
 - c. Send a letter to the Superintendent of Public Instruction expressing the intent of the Committee that he monitor the impact of signing bonuses and that he report to the Committee before the beginning of the 75th Session of the Legislature.
20. Take the following actions regarding teacher pay-for-performance programs:
 - a. Send a letter to the Governor, with copies to the chairs of the Senate Committee on Finance and the Assembly Committee on Ways and Means, expressing support for restoration and continued funding for the pilot program of performance pay and enhanced compensation program for the recruitment and retention of licensed teachers provided by the 23rd Special Session.
 - b. Provide for a transitory section clarifying that the component of career leadership advancement options to maximize the retention of teachers in the classroom includes the support of a teacher mentoring program. **(BDR 34-300)**
21. Amend the statutes to require that school district boards of trustees and the State Board of Education report in their annual accountability reports the ratio of pupils to counselors at each school level. **(BDR 34-300)**
22. Take the following actions regarding training for teachers to qualify to teach Advanced Placement (AP) courses:
 - a. Send a letter to each of the regional training programs, urging the governing body to determine the need in the region for teachers to be trained to teach AP courses offered by the College Board. Urge them to set aside funds for the purpose of providing support for teachers in the region to obtain training to qualify to teach AP courses.

- b. Amend the statutes to include in the annual report of the regional training program the estimated need and the actual number of teachers who participated in the AP training program and a description of the training received by teachers that year. **(BDR 34-300)**

STATEWIDE GOVERNANCE OF ELEMENTARY AND SECONDARY EDUCATION

The members of the LCE took the following action with regard to a proposal relating to the statewide governance structure for elementary and secondary education.

23. Request a resolution calling for a study of the system of public education in Nevada during the 2009-2010 Interim. **(BDR R-301)**

MIDDLE SCHOOL AND HIGH SCHOOL

The members of the LCE took the following action with regard to a proposal relating to middle school and high school.

24. Amend the statutes to require the Commission on Educational Excellence to give priority to grant applications to fund certain summer school programs for certain pupils who are deficient in credits necessary to be promoted from eighth grade to ninth grade. **(BDR 34-302)**
25. Provide an appropriation from the State General Fund for a research study to measure the alignment of assignments in certain mathematics courses in grades 8 and 9 to standards upon which portions of the high school proficiency examination are based. **(BDR 34-296)**

LEGISLATIVE COMMITTEE ON PUBLIC LANDS

Nevada Revised Statutes 218.5363

Members

Senator Dean A. Rhoads, Chair
Assemblyman John W. Marvel, Vice Chair
Senator Mark E. Amodei
Senator Terry Care
Assemblyman Jerry D. Claborn
Assemblywoman Debbie Smith
Tom Fransway, Humboldt County Commissioner

Alternate Members

Senator Warren B. Hardy II
Senator Mike McGinness
Senator Michael A. Schneider
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Assemblyman John C. Carpenter
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Nevada Revised Statutes 218.5363

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. Senate Bill 267 of the 2007 Legislative Session (Chapter 210, *Statutes of Nevada*) provides that the Committee may review and comment on other issues relating to water resources in this State, including, without limitation, the laws, regulations and policies regulating the use, allocation, and management of water in Nevada, as well as the status of existing information and studies relating to water use and resources.

It should be noted that during the 2007 Legislative Session, the Legislature approved Senate Bill 487 (Chapter 531, *Statutes of Nevada*), which created the Legislative Committee to Oversee the Western Regional Water Commission as it relates to water issues in Washoe County, Nevada. Both the Legislative Committee on Public Lands and the oversight 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. 09-06, *Legislative Committee to Oversee the Western Regional Water Commission*, for more information on the activities and recommendations of the oversight committee.

A report of the Committee's activities during the 2007-2008 Legislative Interim is being prepared. This document will review public lands legislation passed during the 2007 Legislative Session and will summarize the topics considered and acted upon by the Committee during the interim period.

The Legislative Committee on Public Lands held a total of nine regular meetings throughout the State and attended two in-state informational tours. The Committee visited the facilities at U.S. Ecology Corporation's Hazardous Waste Treatment and Disposal facility (located about 11 miles south of Beatty, Nevada, on U.S. Highway 95) and also participated in a tour of the Barrick Goldstrike surface and underground mining operations in northern Eureka County. 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 activities and policies in Nevada;
- Bureau of Reclamation activities and policies in southern Nevada;
- Central Nevada Regional Water Authority;
- Colorado River Commission;
- County and city public land issues;
- Drought relief;
- Eastern Nevada Landscape Coalition;
- Endangered Species Act of 1973 and proposed reform of the Act;
- Energy development on public lands;
- Federal and state land use permitting processes;
- Federal and state legislation (various pending measures);
- Fire suppression and prevention;
- Grazing issues (including the renewal of grazing permits);
- Humboldt Project Title Transfer;
- Humboldt River Basin Water Authority;
- Interbasin transfer of water;
- Land sales, disposals, acquisitions, and exchanges;
- 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;
- National Environmental Policy Act (NEPA) and possible reforms to the Act;
- Nevada Farm Bureau;
- Nevada Fire Safe Council;
- Nevada Natural Heritage Program;
- Nevada’s Commission on Economic Development;
- Nevada’s Wildfire Support Group;
- Northeast Nevada Stewardship Group;
- Noxious weed and invasive species abatement;
- Off-highway vehicle (OHV) use, federal travel management policies, and State regulation of OHVs;
- Payment in Lieu of Taxes;
- Public Lands Institute, University of Nevada, Las Vegas;
- “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 of 1998;
- Southern Nevada Water Authority;
- State agency activities review;
- State involvement in the management of federal lands in Nevada;
- Threatened and endangered species in Nevada (possible listings);
- University of Nevada Cooperative Extension and Extended Studies programs;
- United States Department of Energy activities on public lands (proposed railroad corridors for the transportation of high-level radioactive waste);
- U.S. Fish and Wildlife Service activities and refuge management in Nevada;
- U.S. Forest Service activities and policies in Nevada;

- Water issues generally (including activities of various water authorities, water purveyors, and the Office of the State Engineer);
- Wild horses and burros;
- Wilderness and wilderness study areas; and
- Wildlife management.

Attendance at the Committee hearings was less than in previous legislative interims, with 30 to 40 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 eight bills and one resolution for consideration by the 2009 Nevada State Legislature. The subjects of these bill draft requests concern: (1) Nevada's State Grazing Boards; (2) ongoing legal challenges concerning grazing permits and regulations; (3) real estate disclosure and related filings concerning grazing allotments and open range; (4) mining claim markers; (5) the assessment upon real property by a board of county commissioners for the creation of a weed control district; (6) weed abatement by the State Department of Agriculture; (7) the registration, titling, and administration of OHVs; (8) grants awarded under the "A.B. 198 Water Grants Program" for capital improvements to publicly-owned community water systems and nontransient water systems; and (9) the creation of the Water Resource Technical Support Fund and a related appropriation to the Office of the State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources.

Additionally, the Committee voted to: (1) provide several policy statements in the final report; (2) craft two Committee resolutions regarding rangeland health and the NEPA review of grazing permits; and (3) send numerous letters to various elected officials; organizations; and federal, State, and local government representatives and agency personnel regarding a wide range of public lands, natural resource, and water 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 2007-2008 Legislative Interim and at its work session meeting held on August 22, 2008, in Lovelock, Nevada.

RECOMMENDATIONS FOR LEGISLATIVE MEASURES

1. Enact legislation amending *Nevada Revised Statutes* (NRS) 568.040 to provide that Nevada's State Grazing Boards operate autonomously and outside the jurisdiction of the State Department of Agriculture (SDA). The proposed amendment would return the language in this statute to its pre-1999 form, prior to the creation of the SDA.
2. Express, by resolution, the Nevada Legislature's strong disapproval of ongoing and continuous legal challenges against livestock grazing proposals. Include in the resolution statements concerning the detrimental economic impacts these challenges pose for Nevada's rural communities and the threats such challenges pose to agriculture. Also include language urging Nevada's Office of the Attorney General to proactively address these legal challenges on the grounds that they damage the overall economic stability of Nevada's agricultural activities.
3. Enact legislation amending NRS 113.065 and any related statutes to ensure that the purchaser of a home or lot retains a copy of the required disclosure notifying the purchaser that the home or lot is adjacent to the open range. The disclosure should also note, if applicable, that "R.S. 2477" rights-of-way and other rights of access should be preserved. Finally, include in the measure a requirement that the disclosure be filed or recorded with the proper county office along with the property deed.
4. Enact legislation amending NRS 517.030 concerning mining claim markers. Specifically, amend the language in this statute to provide that only solid mine claim markers will be considered legal, valid claim markers. The proposal would state that after a period of one year following the adoption of the amendment, any hollow pipe used to mark the boundaries of the claim will not be considered a valid claim monument.
5. Enact legislation to remove the requirement in NRS 555.215 that an assessment must be levied by the board of county commissioners upon real property in order to establish a weed control district. The proposed amendment would replace the word "shall" with "may" in subsection 1 of NRS 555.215.
6. Enact legislation amending Chapter 555 of NRS to provide an intermediate step in the noxious weed abatement process currently used by the SDA. Current provisions

in NRS require the SDA to notify a landowner to cut, eradicate, or destroy noxious weeds that have been identified on the landowner's property. If the landowner fails to cut, eradicate, or destroy the noxious weeds, he is guilty of a misdemeanor and an abatement must be commenced by the Department. The amendment would allow the SDA to adopt regulations specifying a schedule of administrative fines for such a violation, much like those currently authorized under the Department's nursery and pesticide programs.

7. Enact legislation requiring the registration and titling of off-highway vehicles (OHVs) by Nevada's Department of Motor Vehicles; creating an OHV fund for the collection and distribution of grant funds; requiring biennial reports to the Nevada State Legislature; establishing an OHV Commission; setting forth certain enforcement procedures; and providing for other related OHV regulation.
8. Enact legislation amending NRS 349.983 ("A.B. 198 Water Grants Program") to provide that the required matching grant must be an amount less than 15 percent or more than 75 percent of the total eligible project cost (rather than the grant amount, as set forth in the current NRS language). Testimony indicated that this would provide greater flexibility to the Board for Financing Water Projects, Nevada's Division of Environmental Protection (NDEP), State Department of Conservation and Natural Resources (SDCNR), to increase the range of the total grants made to eligible projects.
9. Enact legislation providing an appropriation to the Office of the State Engineer, Division of Water Resources, SDCNR, (amount to be determined) for the purpose of developing a hydrologic database for water basins in the State of Nevada. The database should include, among other things, information regarding precipitation, groundwater levels, and evapotranspiration.

RECOMMENDATIONS FOR COMMITTEE ACTION:
COMMITTEE 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 United States Department of Energy (DOE) Office of Civilian Radioactive Waste Management concerning railroad corridors proposed by the DOE for the potential transportation of high-level radioactive waste through several central and eastern Nevada counties to the Yucca Mountain repository site. The letter would urge the DOE to: (a) ensure that every effort is made to minimize the disturbance area of the proposed railroad corridor and maintain access to public lands for all users; (b) obtain required information concerning resource impacts (soils, plant materials, wildlife, et cetera) and develop detailed restoration plans to address these impacts; (c) provide for "no net loss" of public lands grazing (animal unit months) on any allotment impacted by the proposed Caliente Rail project; (d) invite the N-4 and N-6 State Grazing Boards to participate as cooperating agencies in the preparation of the Nevada Rail Alignment Final

Environmental Impact Statement (EIS) and allow increased input from individual grazing permittees in the identification of impacts and needed mitigation; (e) following the issuance of the Record of Decision by the DOE, initiate and implement the planning (to include seeking funding for such planning) for any necessary mitigation of impacts to resources and public lands uses; and (f) include these recommendations in the Nevada Rail Alignment Final EIS.

11. The Nevada State Director of the Bureau of Land Management (BLM) and the Ely BLM District Manager concerning railroad corridors proposed by the DOE for the potential transportation of high-level radioactive waste through several central and eastern Nevada counties to the Yucca Mountain repository site. The letter would encourage the BLM, when working on and responding to the DOE's railroad corridor proposal to: (a) provide a supplemental National Environmental Policy Act (NEPA) analysis to support the BLM's decision to grant the DOE request for a right-of-way to construct and operate the Caliente railroad; (b) ensure early and sustained inclusion of impacted public land users and local governments in identifying impacts and required mitigation plans; (c) maintain the current level of public land access for all users; and (d) provide for "no net loss" of public land grazing (animal unit months) on any allotment impacted by the Caliente Rail project.
12. Nevada's Attorney General Catherine Cortez Masto setting forth the concerns that are set forth in the legislative resolution concerning legal challenges against livestock grazing allotment renewal proposals (see Recommendation No. 2) and urging her office to respond to these challenges. Cite specific instances in the letter, including the recent legal challenge concerning the Hubbard Vineyard Allotment (Boies Ranches, Inc.), where such challenges have had a detrimental affect on ranching and agricultural activities.
13. Ed Schafer, Secretary of the U.S. Department of Agriculture (USDA), and Abigail Kimbell, Chief, U.S. Forest Service (USFS), expressing the Committee's appreciation of the USFS' efforts and support of the Committee during the 2007-2008 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.
14. Dirk Kempthorne, Secretary of the U.S. Department of the Interior (DOI), and Jim Caswell, Director of the BLM, expressing the Committee's appreciation of the BLM's efforts and support of the Committee during the 2007-2008 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.

The members of Nevada's Legislative Committee on Public Lands voted to send the following letters concerning wildland fire, fire suppression, and rangeland rehabilitation to:

15. The various federal and State land management agencies in Nevada concerning post-fire rehabilitation coordination efforts among the agencies. The letter should commend the various agencies for their work in fire suppression and encourage the same coordination and collaboration in land rehabilitation following fires.
16. Nevada State Director of the BLM, the District Manager of the Winnemucca Field District of the BLM, and the Wildfire Support Group urging the implementation of 11 fuels management plans on public and private lands that have been developed but not yet implemented on the ground in Humboldt and Pershing Counties. The fuels management plans are designed to help grazing permit holders manage and protect their resources and rangeland areas from wildland fire. The letter should also encourage the expansion of the fuels management plans.
17. The Chairmen of the Senate and Assembly Committees on Judiciary requesting the Committees' review during the 2009 Legislative Session of penalties associated with arson and the negligent and careless starting of fires. In particular, emphasize the need to examine the careless and negligent starting of fires that devastate Nevada's open space and public lands. Request that the Committees, if necessary, enact legislation enhancing the penalties for such actions.

The members of Nevada's Legislative Committee on Public Lands voted to send the following letters concerning federal public lands and natural resource legislation and county lands bills to:

18. The members of Nevada's Congressional Delegation and Governor Jim Gibbons expressing support for the recently introduced "Carson City Vital Community Act of 2008" (the Carson City lands bill) and encouraging its passage.
19. The members of Nevada's Congressional Delegation expressing concern regarding H.R. 2262 ("Hardrock Mining and Reclamation Act of 2007") and similar federal legislation that establishes a royalty plan that could negatively impact Nevada's mining industry, creates uncertainty in the mine permitting process, and hampers mineral investment. The letter or statement should express support for mining reforms that promote responsible development of mineral resources, keep public lands open for mining, and offer a reasonable net-proceeds style royalty that is responsive to fluctuating minerals prices.

20. The members of Nevada’s Congressional Delegation thanking the Delegation for continuing to use 5 percent of the funds generated from the various federal lands bills for Nevada’s Permanent School Fund and urging the Delegation to consider expanding the use of funds generated from the Southern Nevada Public Land Management Act of 1998, the White Pine County Conservation, Recreation, and Development Act of 2006; and other federal lands bills for use in Nevada state parks and for improvements to State lands and facilities.
21. The members of Nevada’s Congressional Delegation, the Chairmen of the U.S. Senate Committee on Energy and Natural Resources and the U.S. House Committee on Natural Resources, and the Chairmen of the appropriations committees in the U.S. Senate and House of Representatives, encouraging the full funding of the Federal Payments in Lieu of Taxes program. Make reference to H.R. 308 (R.S. 2477 Rights-of-Way Recognition Act”) of the 110th Congress, which was considered in late 2007.
22. The members of Nevada’s Congressional Delegation and Governor Jim Gibbons expressing opposition to H.R. 2421 and S. 1870 (both known as the “Clean Water Restoration Act of 2007”). Testimony at several Committee meetings indicated that the language in the measure could diminish the authority of state water engineers and water resources departments to properly manage water resources.

The members of Nevada’s Legislative Committee on Public Lands voted to send the following letters concerning water and water resources to:

23. Governor Jim Gibbons and the Division of Water Resources, SDCNR, requesting the Division to continue work on a comprehensive inventory of water in key water basins in Nevada (using the latest technology for determining water amounts). Request in the letter that the State Engineer, Division of Water Resources, SDCNR, report back to the Legislative Committee on Public Lands during the 2009-2010 Legislative Interim with a report on the progress of its water inventory activities.
24. The State Engineer, Division of Water Resources, SDCNR, requesting him to respond in writing to a proposal set forth in a letter presented by the N-4 Grazing Board to the Legislative Committee on Public Lands at its meeting on March 7, 2008, in Caliente, Nevada, concerning the interbasin transfer of water. The letter should also encourage the State Engineer to appear before the Senate Committee on Natural Resources and Assembly Committee on Natural Resources, Agriculture, and Mining during the 2009 Legislative Session to discuss the concerns and recommendations set forth by the N-4 Grazing Board. The letter from the N-4 Grazing Board, in part, requests the following actions by the State Engineer:

- A. Prior to any interbasin transfer of water decision by the State Engineer, a basin of origin comprehensive water inventory, and analysis of future growth and development potential, and initiation of a long-term monitoring program should be required; and
 - B. When water is appropriated or purchased in one basin and then the owner requests a basin transfer and a change in the manner of use, the transferred water rights will be given a position subordinate to the historic water rights that remain in the basin.
25. The State Engineer, Division of Water Resources, SDCNR, asking him to analyze and comment on the issue of water evaporation as it relates to the possibility of requiring a water right for pit lake evaporation and whether it is feasible to apply Nevada's interbasin transfer of water provisions to water evaporation in certain instances from one basin to another.
 26. The State Engineer, Division of Water Resources, SDCNR, and the Administrator of the Division of State Lands, SDCNR, acknowledging their work in water resource and land use planning for rural communities that have little or no resources to prepare such plans and encouraging their continued active support of water and land use planning to rural communities.
 27. The State Engineer encouraging the Division of Water Resources, SDCNR, to monitor the impacts of water purveyor production wells. This letter is aimed at improving the public's confidence that possible impacts caused by water purveyor production wells (i.e., impacts on the level of groundwater, vegetative cover, springs, and domestic wells, et cetera) can be recognized and addressed by the State Engineer while such impacts are emerging and before they cause harm to the environment or the economy.
 28. The members of Nevada's Congressional Delegation encouraging the Delegation to consider sponsoring legislation addressing the demand for water on the Virgin River. Testimony at the Committee's meeting in Caliente indicated that the states of Arizona and Utah are competing with Nevada for water resources in the river system. Indicate in the letter that the recently approved "7-States Agreement" for the Colorado River system could serve as a potential model for a similar agreement on the Virgin River.

RECOMMENDATIONS FOR COMMITTEE ACTION:
COMMITTEE RESOLUTIONS

The members of Nevada's Legislative Committee on Public Lands voted to draft the following committee resolutions regarding grazing permits and rangeland and ecosystem health:

29. Draft a Committee resolution and provide copies of that resolution to the members of Nevada's Congressional Delegation, the Secretaries of the DOI and the USDA, the Director of the BLM, and the Chief of the USFS concurring with the policy

positions of the National Cattlemen's Beef Association, the National Association of Counties, and the Nevada Association of Counties concerning the use of the NEPA review of grazing permits or leases. Currently, the BLM and the USFS are utilizing the authority granted in Public Law 108-108, which allows for the automatic renewal of a grazing permit or lease if such renewal of the permit or lease does not propose any changes to the existing permit. The resolution should also urge the Congressional Delegation to pass legislation permanently extending the provisions of PL 108-108 "rider" regarding the renewal of grazing permits and encourage, in the meantime, the BLM and the USFS to administratively adhere to the conditions of the rider beyond the September 2008 expiration of the rider.

30. Draft a Committee resolution encouraging the active and scientifically based management of Nevada's watersheds and ecosystems to collaboratively improve their health, without regard to jurisdictional boundaries, using a host of different methods (to include livestock grazing, mechanical treatment, prescribed fire, and herbicides). Such actions will help Nevada's forests, grasslands, and rangelands become more resistant to wildland fires.

RECOMMENDATIONS FOR COMMITTEE ACTION:
COMMITTEE STATEMENTS IN THE FINAL REPORT

The members of Nevada's Legislative Committee on Public Lands voted to include the following statements in the final report concerning general natural resource matters:

31. Include a statement in the final report commending the efforts of the Nevada Natural Heritage Program and expressing appreciation for the Program's conservation efforts and its work on identifying and mapping noxious weeds in Nevada.
32. Include a statement in the final report expressing support for the programs and activities of the Public Lands Institute (based at the University of Nevada, Las Vegas) and encouraging its expansion and influence to other areas of Nevada.
33. Include a statement in the final report expressing support for cooperative permittee monitoring, which is currently being used on a limited basis in the Battle Mountain District of the BLM. This process allows grazing permittees to cooperatively monitor their own allotments. Testimony indicated that this practice will benefit grazing permittees and federal land management agencies and will ultimately enhance rangeland health.
34. Include a statement in the final report expressing the Committee's ongoing concern with the illegal dumping of trash and other waste on Nevada's public and private lands. Encourage the aggressive enforcement of Nevada's laws regarding dumping and littering.

35. Include a statement in the final report urging the U.S. Congress to consider federal legislation to permanently establish areas of public land for multiple use as identified by the various county governing boards.

The members of Nevada's Legislative Committee on Public Lands voted to include the following statements in the final report concerning the Great Basin Wildfire Forum:

36. Include a statement in the final report expressing support for the recommendations made by the Great Basin Wildfire Forum. The Forum's recommendations include targeted livestock grazing, weed control, fuel break establishment, fire management plan development, soils monitoring, and geographic information systems data collection and mapping.

The members of Nevada's Legislative Committee on Public Lands voted to include the following statement in the final report concerning water and water resources:

37. Include a statement in the final report expressing support for S. 2509 ("Small System Drinking Water Act of 2007"), which would prohibit the U.S. Environmental Protection Agency from enforcing small water system compliance with a federal drinking water standard unless the small system has received enough federal funds to pay for the federal share of the water system upgrade.
38. Include a statement in the final report urging the Division of Water Resources, SDCNR, to further evaluate the protests filed by the federal government against applications for water diversions in the Amargosa Valley. Testimony at the Committee's meeting in Beatty, Nevada, suggested that proposals by water users in the Amargosa Valley to simply divert water from one agricultural field to another are being protested and subsequently denied. The statement should urge the Division and local government leaders in Nye County to collaborate on this important water issue and openly discuss the impacts such denials may have on the agricultural operations near Pahrump.
39. Include a statement in the final report supporting the development and implementation of increased water storage within the Humboldt River Basin.
40. Include a statement in the final report encouraging the State Engineer to continue enhancing online data sources available to the Division of Water Resources, SDCNR, which may assist in any backlog of water right applications.
41. Include a statement in the final report encouraging NDEP to creatively seek grants, if available, and other outside funding to enhance water quality data collection and monitoring in the Humboldt River Basin.

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

Nevada Revised Statutes 218.53871

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Senator Dean A. Rhoads, Vice Chair
Senator Mark E. Amodei
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Nevada Revised Statutes 218.53871

NRS 218.53871 Creation; membership; Chairman; Vice Chairman; vacancies; annual report.

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

2. The members of the Committee shall elect a Chairman from one house of the Legislature and a Vice Chairman from the other house. Each Chairman and Vice Chairman holds office for a term of 2 years commencing on July 1 of each odd-numbered year.

3. Any member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve until the next session of the Legislature convenes.

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

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

(Added to NRS by 2003, 2504)

ABSTRACT

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

Nevada Revised Statutes 218.53871

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

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

The Committee held five meetings, including a work session, during the 2007-2008 Legislative Interim. All meetings were open to the public, and four were conducted through simultaneous videoconferences between the Legislative Building in Carson City, Nevada, and the Grant Sawyer State Office Building in Las Vegas, Nevada. The work session was conducted through simultaneous videoconferences between the Legislative Building in Carson City, the Grant Sawyer State Office Building in Las Vegas, and the Great Basin College in Elko, Nevada. One other meeting was held off-site in the Lake Tahoe Basin where videoconferencing was not available.

The meetings addressed a variety of issues, programs, and activities pertaining specifically to the TRPA and Marlette Lake Water System, and relating generally to the Lake Tahoe Basin and the Carson Range. As a result of these hearings, the Committee adopted 18 recommendations, including one recommendation for a bill draft for consideration by the 2009 Legislature. The recommendations address the following major topics:

- Aquatic Invasive Species;
- Climate Change;

- Environmental and public health and safety issues, particularly those relating to fire prevention and fire fuels reduction in the Lake Tahoe Basin;
- Nevada's ongoing participation in the Environmental Improvement Program (EIP), including completion and ongoing maintenance of the EIP projects; and
- Various funding needs of the TRPA.

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 2007-2008 Legislative Interim by the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System. One bill draft request will be submitted to 75th Session of the Nevada State Legislature for its consideration in 2009.

RECOMMENDATION FOR LEGISLATION

1. The State issued only \$11,930,000 of the \$16,800,000 general obligation bonds authorized by Assembly Bill 458 (Chapter 298, *Statutes of Nevada 2005*); therefore, the Committee requests legislation to extend the period of time within which the State may issue the remaining \$4,870,000 of these authorized but unissued general obligation bonds. The Committee further requests legislation to authorize the total issuance of general obligation bonds up to \$100 million for Nevada's portion of the Environmental Improvement Program (EIP) at Lake Tahoe over the ten-year period from July 1, 2009, to June 30, 2019. This legislation includes a specific request for the sale of \$4,420,000 in general obligation bonds to carry out Nevada's portion of the EIP for the 2009-2011 biennium. **(BDR S-375)**

RECOMMENDATIONS FOR COMMITTEE ACTION

2. Include a statement in the final report recognizing the threat of aquatic invasive species to the Tahoe Basin's natural and economic resources and supporting programs that jointly involve the efforts of scientists and resource management agencies to control infestation. An effective program may include a public education campaign, boat inspection program, boat wash stations, agricultural inspection points, monitoring near boat ramps, and fines for noncompliance.
3. Include a statement in the final report in support of an operational study regarding the impact of climate change on small water systems that depend on the snowpack, such as the Marlette Lake Water System.
4. Include a statement in the final report in support of reducing carbon dioxide and greenhouse gas emissions through public transportation, fuel efficient vehicles, and alternative sources of energy as a means to address climate change in the Tahoe Basin.

5. Include a statement in the final report in support of the mission of Tahoe Regional Planning Agency as set forth in the Tahoe Regional Planning Compact (Public Law 96-551), specifically that TRPA has been charged “to establish environmental threshold carrying capacities and to adopt and enforce a regional plan and implementing ordinances which will achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities.” The success of the Lake Tahoe EIP relies on the teamwork of more than 50 public and private organizations and adherence to the priorities set forth in the Tahoe Regional Planning Compact. The Committee supports the EIP and recognizes the challenges of achieving the goal set forth in the compact.
6. Send a Committee letter to Nevada’s Department of Administration and the Nevada Legislature in support of baselining Nevada’s current level of support (\$200,000 per year) for the Pathway Regional Plan update and implementation program for Fiscal Year (FY) 2009-2011 and beyond to match the State of California’s existing baseline funding of \$400,000 per year.
7. Send a Committee letter to the Nevada Legislature’s Interim Finance Committee in support of an increase in Nevada’s one-third share (\$100,000) of TRPA’s baseline funding for FY 2008-2009 to meet TRPA’s compliance, enforcement litigation, and legal support needs, subject to receiving California’s two-thirds matching share (\$200,000).
8. Include a statement in the final report in support of Nevada’s local fire districts within the Tahoe Basin increasing efforts to enforce the building standards and defensible space requirements.
9. Send a Committee letter to the United States Forest Service (USFS) of the U.S. Department of Agriculture and Nevada’s Division of State Parks, State Department of Conservation and Natural Resources, in support of encouraging prosecution to the fullest extent of the law for illegal campfires in the Tahoe Basin.
10. Include a statement in the final report supporting increased resources for volunteer firefighters who are often the first responders to wildfires.
11. Include a statement in the final report in support of increasing the number of burn days available in the Tahoe Basin for the purpose of understory burning. The Committee supports finding alternatives to open air pile burning by encouraging the removal of biomass to biomass facilities.
12. Include a statement in the final report commending all participating agencies and individuals for their collaborative work on the *Emergency California-Nevada Tahoe Basin Fire Commission Report* presented to the Committee on April 18, 2008. The numerous meetings held by the Commission were well attended and served to open

the long-term solutions. The Committee encourages participating parties to continue the collaborative work that began during the Commission process.

13. Include a statement in the final report in support of the *Lake Tahoe Basin Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy 10-Year Plan*. This document was developed to comply with the White Pine County Conservation, Recreation and Development Act of 2006 (Public Law 109-432) under the direction of the USFS's Lake Tahoe Basin Management Unit in cooperation with 17 other fire and land management agencies in the Tahoe Basin. This plan proposes to treat approximately 68,000 acres over the next 10 to 15 years across many jurisdictions. The priority for fuels reduction should be the Wildland Urban Interface (WUI), particularly the non-stream environment zones (SEZs) and the non-steep slopes leaving these sensitive areas until the scientific community has identified methods to remove fuels while also protecting the lake and improving water clarity.
14. Include a statement in the final report in support of the Nevada Fire Safe Council and its community-based wildfire threat reduction programs.
15. Include a statement in the final report recognizing that people living in a forest environment have a personal responsibility to keep their properties fire safe.
16. Include a statement in the final report in support of: (a) encouraging programs to retrofit existing homes and other structures with ignition resistant roofs, windows, siding, and decking; and (b) implementing defensible space around structures throughout the Basin in conjunction with the implementation and/or maintenance of Best Management Practices (BMPs).
17. Include a statement in the final report in support of: (a) comprehensive watershed-scale restoration of SEZs that includes a holistic approach for a healthy forest restoration which benefits from the results of scientifically-based demonstration projects; and (b) a forest restoration plan for the rest of the forest.
18. Include a statement in the final report recognizing that fire protection and lake restoration are compatible goals and need to be pursued concurrently and that all efforts to reach these goals should be based on proven scientific methods.

LEGISLATIVE COMMITTEE ON HEALTH CARE

Nevada Revised Statutes 439B.200

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Senator Maurice E. Washington, Vice Chair
Senator Joseph J. Heck
Senator Steven A. Horsford
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Nevada Revised Statutes 439B.200

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

1. There is hereby established a Legislative Committee on Health Care consisting of three members of the Senate and three members of the Assembly, appointed by the Legislative Commission. The members must be appointed with appropriate regard for their experience with and knowledge of matters relating to health care.

2. No member of the Committee may:

- (a) Have a financial interest in a health facility in this State;
- (b) Be a member of a board of directors or trustees of a health facility in this State;
- (c) Hold a position with a health facility in this State in which the Legislator exercises control over any policies established for the health facility; or
- (d) Receive a salary or other compensation from a health facility in this State.

3. The provisions of subsection 2 do not:

(a) Prohibit a member of the Committee from selling goods which are not unique to the provision of health care to a health facility if the member primarily sells such goods to persons who are not involved in the provision of health care.

(b) Prohibit a member of the Legislature from serving as a member of the Committee if:

(1) The financial interest, membership on the board of directors or trustees, position held with the health facility or salary or other compensation received would not materially affect the independence of judgment of a reasonable person; and

(2) Serving on the Committee would not materially affect any financial interest he has in a health facility in a manner greater than that accruing to any other person who has a similar interest.

4. The Legislative Commission shall select the Chairman and Vice Chairman of the Committee from among the members of the Committee. Each such officer shall hold office for a term of 2 years commencing on July 1 of each odd-numbered year. The chairmanship of the Committee must alternate each biennium between the houses of the Legislature.

5. Any member of the Committee who does not return to the Legislature continues to serve until the next session of the Legislature convenes.

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

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

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

ABSTRACT

LEGISLATIVE COMMITTEE ON HEALTH CARE

Nevada Revised Statutes 439B.200

The Legislative Committee on Health Care (LCHC), in compliance with *Nevada Revised Statutes* (NRS) 439B.200 through 439B.240, inclusive, oversees a broad spectrum of issues related to the quality, access, and cost of health care for all Nevadans. The LCHC was established in 1987 to provide continuous oversight of matters relating to health care.

The LCHC met 12 times, and the Subcommittee of the Legislative Committee on Health Care to Review the Laws and Regulations Governing Providers of Health Care, the Use of Lasers and Intense Pulsed Light Therapy, and the Use of Injections of Cosmetic Substances (Senate Bill 4, Chapter 4, *Statutes of Nevada 2007, 23rd Special Session*) met a total of three times. All public hearings were conducted through simultaneous videoconferences between Carson City, Nevada, and Las Vegas, Nevada.

At the twelfth meeting, members conducted a work session at which they adopted 21 recommendations to be included in ten bill draft requests (BDRs). The recommendations concern: access to care; mental health and substance abuse; children and senior health issues; public health programs; the hepatitis C investigation in southern Nevada; health care professional licensing boards; and whistleblower protections for certain health care workers. Additionally, included are six recommendations from the Subcommittee of the LCHC to Review the Laws and Regulations Governing Providers of Health Care, the Use of Lasers and Intense Pulsed Light Therapy, and the Use of Injections of Cosmetic Substances. Lastly, members authorized the Chair to send 11 letters on behalf of the Committee, and members directed staff to address four specific points in the final report.

In addition to information concerning the LCHC, this summary provides background information addressing the Subcommittee of the Legislative Committee on Health Care to Review the Laws and Regulations Governing Providers of Health Care, the Use of Lasers and Intense Pulsed Light Therapy, and the Use of Injections of Cosmetic Substances.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON HEALTH CARE

Nevada Revised Statutes 439B.200

This summary presents the recommendations approved by the LCHC (NRS 439B.200) at its July 29, 2008, meeting. The Committee submits the following proposals to the 75th Session of the Nevada Legislature:

ACCESS TO CARE

1. Draft legislation requiring the Department of Health and Human Services (DHHS) to establish a system that allows applications for Medicaid and the Children's Health Insurance Program to be submitted electronically. This bill would further require an agency that is designated by the Director of the DHHS to receive applications or determine eligibility for the programs to use the system to forward applications, but applicants for services must not be required to submit applications electronically. Include a provision that designates unclaimed property funding to support the development of this e-application. **(BDR 38-210)**

MENTAL HEALTH AND SUBSTANCE ABUSE

2. Draft legislation to remove the term "transported" from NRS 433A.165 and replace with the term "admitted" (see Assembly Bill 225, 2007 Session). Clarify and expand the list of health care professionals authorized to release patients off of the "Legal 2000" hold status, to include: psychiatrists, psychologists, physicians (M.D., D.O.), and persons trained and licensed in clinical social work or nursing who have a graduate degree and clinical experience in mental health. **(BDR 39-211)**
3. Make an appropriation of \$100,000 to support the work of the Justice Center, The Council of State Governments, to continue to improve public safety through effective substance abuse and mental health treatment for persons in the criminal justice system in Nevada. **(BDR S-212)**

CHILDREN AND SENIOR HEALTH ISSUES

4. Draft legislation creating the Legislative Committee on Child Welfare and Juvenile Justice in accordance with Sections 2 through 8, inclusive, of Senate Bill 170 of the 2007 Legislative Session. **(BDR 17-213)**

PUBLIC HEALTH PROGRAMS

5. Draft legislation to maintain the Health Insurance for Work Advancement Program and the Traumatic Brain Injury (TBI) waiver and make an appropriation for the necessary amount. **(BDR S-212)**

HEPATITIS C INVESTIGATION

6. Draft legislation to define the process for a declaration of a “public health emergency.” This bill will provide clear authority and expectations for the coordinated actions of all public agencies that have statutory responsibilities for some aspects of any required investigation, intervention, or sanctions. In addition to other items, the following provisions must be included:
 - Authority to temporarily close a facility, or the appropriate portion of a facility, in order to make a determination within 24 hours as to whether the facility can be reopened and provide safe services. During that 24-hour period, the facility employees will be tested and/or educated in order to ensure that the services being rendered are safe.
 - Authority to establish a central record repository in the case of a public health emergency and ensure that the team working with the records is trained regarding Health Insurance Portability and Accountability Act compliance, and allow a facility or medical professional to voluntarily allow the records to remain on the premises if they can be secured.
 - Inclusion of electronic records in the determination as to the most appropriate manner in which to handle the medical records.
 - Development of a central information and education hotline.
 - Assurance that the appropriate law enforcement agency is included in securing medical records to maintain the chain of evidence/custody.
 - Authority for the Director of the DHHS to appoint a replacement for the State Health Officer, Health Division, DHHS, under certain circumstances. The replacement must meet the qualifications of the State Health Officer.
 - Assurance that State agencies and local health authorities’ current powers to react to such crises are not diminished as they await the declaration of a “public health emergency.” **(BDR 40-214)**
7. Draft legislation requiring surgical centers for ambulatory patients (ASCs) and physicians’ offices where outpatient surgical procedures are being performed to be accredited by a federally recognized accrediting entity. Set the threshold for physicians’

offices that must be accredited as those that utilize any of the three deepest levels of sedation. Provide for the appropriate sanctions to be used by the Bureau of Licensure and Certification (BLC), Health Division, DHHS (who will have authority over facilities), and the Board of Medical Examiners (BME) (who will have authority over the practitioners), should there be a failure to maintain accreditation. **(BDR 40–215)**

8. Draft legislation to require the BLC to survey the ASCs once every year and require the BLC to increase the fees for licensing these types of facilities to include the additional cost for conducting these surveys. Include annual inspections of physicians' offices that would be required to be accredited pursuant to Recommendation No. 7. Require the annual inspections to be unannounced. In addition, include transitional funding to support the positions required to conduct the surveys, as the new fee and survey schedule is implemented. A fee increase will be utilized in order to accomplish these more frequent inspections. **(BDR 40–215)**
9. Draft legislation that requires the BLC to prepare and submit an annual report regarding the frequency of inspections of health care facilities licensed in this State and the findings from those inspections. The report must include a summary of any major issues and problems that have been identified and any follow-up. The report must be submitted to the LCHC. **(BDR 40–215)**

HEALTH CARE PROFESSIONAL LICENSING BOARDS

10. Draft legislation to require Governor Jim Gibbons to provide to the LCHC advance notice of potential appointments to the BME, the State Board of Osteopathic Medicine, and the Board of Homeopathic Medical Examiners. Authorize: (a) the medical societies and professional associations; (b) the University of Nevada School of Medicine; and (c) individuals to nominate persons to fill vacancies on the BME, the State Board of Osteopathic Medicine, and the Board of Homeopathic Medical Examiners.

Require the nominations to be submitted for consideration to the LCHC not later than 30 days after the notice of potential vacancy is made. The LCHC would be authorized to make inquiries concerning the potential appointments. The LCHC may report to the Governor concerning the advisability of making such appointments. The LCHC will have 60 days from the deadline for the receipt of nominations to make any and all inquiries. If the LCHC does not submit at least three names to the Governor within 90 days after the notice of vacancy, the Governor may act without input from the LCHC. **(BDR 54–216)**

11. Draft legislation that places the current statutory provisions which authorize health care professional licensing boards to temporarily suspend a practitioner's license in Chapter 630 of NRS, "Physicians, Physician Assistants and Practitioners of Respiratory Care" (BME); Chapter 630A of NRS, "Homeopathic Medicine" (Board of Homeopathic Medical Examiners); and Chapter 633 of NRS, "Osteopathic Medicine" (State Board of Osteopathic Medicine). **(BDR 54–217)**

12. Draft legislation that establishes grounds for a health care professional licensing board to suspend or revoke a professional license held by the owner or another principal of a health care facility that has responsibility in the creation of a public health threat or is currently being investigated, under certain circumstances. This provision is similar to the provisions of NRS 449.160. **(BDR 54–217)**
13. Draft legislation that requires all members of health care professional licensing boards to be provided a copy of the conflict of interest provisions of Chapter 281A of NRS, “Ethics in Government,” and require the signature of each board member acknowledging receipt of the conflict of interest provisions. **(BDR 54–216)**
14. Draft legislation to require all health care professional licensing boards to retain every complaint that is filed with the board, including, without limitation, complaints that receive no action for at least ten years. **(BDR 54–217)**

WHISTLEBLOWER PROTECTIONS

15. Draft legislation to provide statutory protections for a nurse who: (a) reports concerns about patients being exposed to substantial risk of harm due to failure of a facility or practitioner to conform to minimum professional standards, regulations, or accreditation standards; (b) is requested to engage in conduct that would violate the nurse’s duty to protect patients from actual or potential harm as defined in Chapter 632 of NRS, “Nursing,” and Chapter 632 of *Nevada Administrative Code* (NAC), “Nursing”; (c) refuses to engage in conduct that would violate the provisions of Chapter 632 of NRS or Chapter 632 of NAC or that would make the nurse reportable to the State Board of Nursing; (d) reports the actions of another nurse who engages in conduct subject to mandatory reporting to the State Board of Nursing as defined in Chapter 632 of NRS or Chapter 632 of NAC; or (e) reports staffing concerns or situations that reasonably could contribute to patient harm. **(BDR 40–219)**

**THE SUBCOMMITTEE OF THE LEGISLATIVE COMMITTEE ON
HEALTH CARE TO REVIEW THE LAWS AND REGULATIONS
GOVERNING PROVIDERS OF HEALTH CARE,
THE USE OF LASERS AND INTENSE PULSED LIGHT THERAPY,
AND THE USE OF INJECTIONS OF COSMETIC SUBSTANCES
(SENATE BILL 4, CHAPTER 4, STATUTES OF NEVADA 2007,
23RD SPECIAL SESSION)**

16. Draft legislation to modify the requirement that an applicant for a license to practice medicine must prove to the BME he is a citizen or lawfully entitled to remain and work in the United States by creating an exception for applicants who are trying to enter the J-1 Visa Waiver Program. This bill would allow an application for a license to be processed; however, the applicant would not be permitted to begin the practice of medicine until the J-1 Visa Waiver has been issued. **(BDR 54–220)**

17. Draft legislation to allow physicians who have recently completed a residency program to be provisionally licensed upon receipt of satisfactory fingerprint reports, pending completion of the remainder of the board application process, including completion of certain examinations or board certifications. **(BDR 54-220)**
18. Draft legislation to make it easier for professionals licensed in other states to become licensed in Nevada if certain criteria are met. Establish a pilot program to apply to professionals licensed by the following boards: the Board of Examiners for Social Workers; the BME; the Board of Psychological Examiners; and the State Board of Osteopathic Medicine. Model this legislation after similar legislation related to the Board of Dental Examiners of Nevada. **(BDR 54-220)**
19. Draft legislation to specify that supervision of physician assistants can be done through telecommunications and remote file review. **(BDR 54-220)**
20. Draft legislation to allow professional licensing boards to hire counsel outside the Office of the Attorney General when appropriate. **(BDR 54-220)**
21. Draft legislation to provide professional licensing boards with the authority to investigate and refer unlawful professional practice to authorities for penalties, applicable only to the health care-related boards. Model the legislation after similar authority given to the State Contractors' Board. Allow the boards to fine those that misrepresent themselves as a professional licensed by the boards. **(BDR 54-220)**

LETTERS

The Committee authorized the Chair to send the following letters on its behalf:

22. Draft a letter to Nevada's Congressional Delegation requesting that certain federal policy revisions be made to enhance Nevada's ability to support, recruit, and retain physicians that work through the J-1 Visa Waiver Program, including a provision that gives priority or preference, or both, to physicians who have participated in the J-1 Visa Waiver Program, when they apply for lawful permanent residency.
23. Draft a letter and include a statement in the Committee's final report encouraging the Division of Mental Health and Developmental Services (DMHDS), DHHS, to collaborate with the mental health redesign work group to continue to review Nevada's process for admitting persons to mental health facilities under emergency circumstances, known as the "Legal 2000" process. The letter will request the DMHDS to prepare recommendations to refine the Legal 2000 process.
24. Draft a letter to Nevada's Congressional Delegation requesting the amendment of various federal lands acts to allow for the conveyance of federal land to support the development of behavioral health and substance abuse facilities, with the intent of encouraging

investment and management of these types of facilities in Nevada, as part of a strategy for decreasing the number of out-of-state patient placements.

25. Draft a letter to the Senate Committee on Finance and the Assembly Committee on Ways and Means requesting an ongoing line item for mental health and substance abuse services and programs within the Department of Corrections' budget.
26. Draft a letter and include a statement in the Committee's final report encouraging the DMHDS to create a plan for addressing compensation and organizational challenges which constrict the DMHDS's ability to recruit and retain psychiatrists.
27. Draft a letter to encourage the DMHDS to work with hospitals and law enforcement in rural Nevada to document the impact of the loss of mental health emergency services in rural Nevada on suicide rates, the wait time for patients to see a psychiatrist, and the relationships between mental health providers, hospitals, and law enforcement.
28. Draft a letter to the Director of the DHHS to encourage the Aging Services Division, DHHS, to work with the BLC, Health Division, DHHS, and the Division of Health Care Financing and Policy, DHHS, to develop a plan related to the development of certain services/resources for residents diagnosed with (a) Alzheimer's disease, (b) dementia, and (c) TBI.
29. Draft a letter and include a statement in the Committee's final report to support the BDR of the Health Division, DHHS, to revise provisions relating to the State's public health system.
30. Draft a letter encouraging the State Board of Pharmacy, in collaboration with the BME, the State Board of Health, the State Board of Nursing, and the State Board of Osteopathic Medicine to develop a system for monitoring the sale and use of anesthesia in Nevada to determine where surgical procedures are being performed and the type of health care professionals that are conducting those surgeries. Include both ASCs and physicians' offices performing outpatient procedures under one or more of the three deepest levels of sedation.
31. Draft a letter requesting the BME, the State Board of Nursing, and the State Board of Osteopathic Medicine to regularly survey licensees to obtain details about locations and areas of practice in order to provide information to support programs to obtain more practitioners.
32. Draft a letter to Nevada's Congressional Delegation to support an increase in the Federal Medical Assistance Program (FMAP) by raising federal match rates and by holding states harmless if the FMAP decreases from one year to the next.

STATEMENT OF SUPPORT

The Committee directed staff to include the following statement of support in the final report:

33. Establish an interim legislative study to review health care professional licensing boards.

BULLETIN NO. 09-16

LEGISLATIVE COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE

Nevada Revised Statutes 459.0085

Members

Senator Mike McGinness, Chair
Assemblyman Harry Mortenson, Vice Chair
Senator Warren B. Hardy II
Senator John J. Lee
Senator Dean A. Rhoads
Assemblyman Joseph M. Hogan
Assemblyman William C. Horne
Assemblywoman Valerie E. Weber

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Nevada Revised Statutes 459.0085

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

LEGISLATIVE COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE

Nevada Revised Statutes 459.0085

Nevada's Legislative Committee on High-Level Radioactive Waste is a permanent committee of the Nevada Legislature whose authorization and duties are set forth in Chapter 459 of *Nevada Revised Statutes*. 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 two meetings during the 2007-2008 Legislative Interim and heard presentations by the United States Department of Energy (DOE), the U.S. Nuclear Regulatory Commission (NRC), Nevada's Agency for Nuclear Projects, the Nuclear Energy Institute, and the National Conference of State Legislatures (NCSL).

In addition to its mandated oversight functions, the Committee monitored the actions of the 110th Session of the U.S. Congress, and the progress of the State of Nevada's various administrative and legal challenges to the Yucca Mountain Project. Committee members participated in the NCSL's Environmental Management Legislative Roundtables, including the NCSL High-Level Waste Working Group.

The Committee also monitored the activities of the U.S. Nuclear Waste Technical Review Board, Nevada's Commission on Nuclear Projects, 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).

During the course of the 2007-2008 Interim, the DOE:

- Filed a license application with the NRC to authorize construction of the repository at Yucca Mountain;

- Filed an application with the Surface Transportation Board, U.S. Department of Transportation, for a Certificate of Public Convenience and Necessity to construct and operate a 300-mile rail line from the existing rail line in Caliente, Nevada, to Yucca Mountain;
- Released the “Final Supplemental Environmental Impact Statement (EIS) for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste”;
- Released the Final Supplemental EIS for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain Nevada—Rail Transportation Corridor”; and
- Released the “Final EIS for a Rail Alignment for the Construction and Operation of a Railroad in Nevada to a Geologic Repository at Yucca Mountain.”

The Committee will continue to monitor the DOE’s license application to the NRC and the related EIS, the environmental review process for the rail line, and the DOE’s application to the Surface Transportation Board, to determine whether legislative action is necessary or appropriate.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE 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 oversight responsibilities, it will continue to monitor the status of: (1) the licensing application filed by the DOE in June 2008 and the NRC's review of the application; (2) the final environmental impact statements on the rail corridor and the DOE's application to the Surface Transportation Board for a Certificate of Public Convenience and Necessity to construct and operate a new rail line to Yucca Mountain; and (3) the status of the State of Nevada's pending administrative appeals and litigation against the federal government.

If deemed appropriate, the Committee will recommend relevant action to the Nevada Legislature or the Legislative Commission.

BULLETIN NO. 09-17

COMMISSION ON SPECIAL LICENSE PLATES

Nevada Revised Statutes 482.367004

Members

Assemblyman Kelvin D. Atkinson, Chair
Senator Dennis Nolan, Vice Chair
Senator Maggie Carlton
Assemblyman Chad Christensen
Assemblyman Mark A. Manendo

Nonvoting Members

Michael E. Fischer, D.D.S., Director, Department of Cultural Affairs
Jerry Hafen, Director, Department of Public Safety
Virginia “Ginny” Lewis, Director, Department of Motor Vehicles

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Nevada Revised Statutes 482.367004

NRS 482.367004 Commission on Special License Plates: Creation; membership; term; 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;

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

(c) Applications for the design, preparation and issuance of special license plates that have been authorized by an act of the Legislature after January 1, 2007.

↳ 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. The Commission shall consider each application in the chronological order in which the application was received by the Department.

6. The Commission shall:

(a) Approve or disapprove any proposed change in the distribution of money received in the form of additional fees. As used in this paragraph, "additional fees" means the fees that are charged in connection with the issuance or renewal of a special license plate for the benefit of a

particular cause, fund or charitable organization. The term does not include registration and license fees or governmental services taxes.

(b) If it approves a proposed change pursuant to paragraph (a) and determines that legislation is required to carry out the change, request the assistance of the Legislative Counsel in the preparation of a bill draft to carry out the change.

(Added to NRS by 2003, 3065; A 2005, 2847; 2007, 575, 804, 819, 1038)

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 Nevada 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 the directors of the DMV, the Department of Public Safety, and the 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 June 30, 2008, there were 200,136 active special license plates, and the plates had generated \$20,156,740.65 in revenue. The most widely issued plate has been the Las Vegas Commemorative plate with 76,897 active plates as of June 30, 2008, which had generated \$6,693,861.93. 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: March 3, 2008, and April 14, 2008. At the March meeting, the Commission did not consider any pending applications for special license plates since the 25-design cap on the production of special license plates had been met.

The DMV reported that none of the active special license plates fell below the minimum number.

During the March meeting, members of the Commission also received a report from the Legislative Auditor concerning the charitable organizations that receive revenue from the issuance of special license plates. The Legislative Auditor reported that one charitable organization, Nevada Ducks Unlimited, Inc., had: (1) not filed the required balance sheet; (2) engaged in improper financial practices; and (3) failed to use adequate methods and procedures to ensure that additional fees imposed in connection with the issuance or renewal of a special license plate are expended only for the benefit of the intended recipient. The Commission voted to notify Nevada Ducks Unlimited, Inc., that it was not in compliance with the filing requirements.

Nevada Ducks Unlimited, Inc., requested a hearing to discuss the determination made by the Commission that it was not compliant with the filing requirements. On April 14, 2008, the Commission met and upheld its determination that Nevada Ducks Unlimited, Inc., did not comply with the filing requirements. The Commission requested that the DMV withhold additional fees generated by the registration of the charitable organization's license plate until the Legislative Auditor provided a report that Nevada Ducks Unlimited, Inc., complies with the financial reporting requirements required by law.

The Commission set a future meeting date of January 2009 noting that it will review and approve pending applications for special license plates, if any active special license plates fall below the minimum number.

The members also conducted a work session at which they adopted three recommendations as bill draft requests. The recommendations include requiring: (1) the DMV to produce existing special license plates for motorcycles; (2) legislators serving on the Commission be paid a salary and compensated for their travel and per diem expenses; and (3) charitable organizations, not including a governmental entity whose budget is included in the *Executive Budget*, that receive revenue from a special license plate provide a list of officers, current mailing address, and current telephone number to the Commission on Special License Plates and the DMV on or before September 30 of each year. In addition, the Commission adopted a recommendation to send a letter to each County Treasurer informing them that they may, on a quarterly basis, receive fees collected from animal appreciation special license plates for vehicles registered in that county.

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 March 3, 2008, meeting for transmittal to the 75th Session of the Nevada State Legislature.

RECOMMENDATIONS TO DRAFT LEGISLATIVE MEASURES

1. Draft a bill amending Chapter 482 of NRS to allow Nevada's DMV, with respect to any special license plate that is issued pursuant to NRS 482.3667 to 482.3825, inclusive, and for which an additional fee is imposed for the issuance of the special license plate to generate financial support for a charitable organization, to issue a special license plate for a motorcycle upon application by a person who is entitled to such a plate. However, a special license plate for a motorcycle may not be combined with a personalized prestige plate. **(BDR 43-364)**
2. Draft a bill amending subsection 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 43-365)**
3. Draft a bill amending Chapter 482 of NRS to require that each charitable organization, not including a governmental entity whose budget is included in the *Executive Budget*, that receives revenue from a special license plate provide a list of officers, current mailing address, and current telephone number to the Commission on Special License Plates and the DMV on or before September 30 of each year. If the organization fails to provide this information to the Commission on Special License Plates or the DMV, the Commission may require that: (a) the DMV suspend the collection of all additional fees collected on behalf of the charitable organization; and (b) the DMV suspend the production of the particular design of special license plates from which the charitable organization receives additional fees, if the DMV is still producing that design. **(BDR 43-366)**

RECOMMENDATION TO DRAFT A LETTER

4. Draft a letter to each County Treasurer informing them that they may, on a quarterly basis, receive fees collected for animal appreciation special license plates for vehicles registered in that county (pursuant to subsection 5 of NRS 482.379175).

