

**Bulletin No. 11-02**



**Summary Bulletin of  
Reports of the Legislative Commission  
to the 76th Session of the Nevada Legislature**

*Legislative Counsel Bureau*



**January 2011**



## TABLE OF CONTENTS

<b><u>Bulletin No.</u></b>	<b><u>Bulletin Title</u></b>	<b><u>Page</u></b>
11-02	Summary Bulletin of Reports of the Legislative Commission to the 76th Session of the Nevada Legislature	
	Introduction .....	v
	Members of the Legislative Commission .....	vi
11-03	Education Governance K-12.....	1
	a. Assembly Concurrent Resolution No. 2 (File No. 89, <i>Statutes of Nevada 2009</i> ) .....	3
	b. Abstract.....	5
	c. Summary of Recommendations.....	9
11-04	Reapportionment and Redistricting.....	19
	a. Assembly Concurrent Resolution No. 19 (File No. 76, <i>Statutes of Nevada 2009</i> ) .....	21
	b. Abstract.....	23
	c. Summary of Recommendations.....	25
11-05	Logistics and Distribution Centers .....	27
	a. Assembly Concurrent Resolution No. 30 (File No. 96, <i>Statutes of Nevada 2009</i> ) .....	29
	b. Abstract.....	31
	c. Summary of Recommendations.....	33
11-06	Production and Use of Energy .....	37
	a. Senate Concurrent Resolution No. 19 (File No. 99, <i>Statutes of Nevada 2009</i> ) .....	39
	b. Abstract.....	43
	c. Summary of Recommendations.....	45
11-07	Employee Misclassification.....	47
	a. Senate Concurrent Resolution No. 26 (File No. 100, <i>Statutes of Nevada 2009</i> ) .....	49
	b. Abstract.....	51
	c. Summary of Recommendations.....	53

<u>Bulletin No.</u>	<u>Bulletin Title</u>	<u>Page</u>
11-08	Group Homes .....	55
	a. Assembly Bill 294 (Chapter 298, <i>Statutes of Nevada 2009</i> ).....	57
	b. Abstract.....	59
	c. Summary of Recommendations.....	61
11-09	Powers Delegated to Local Governments .....	63
	a. Senate Bill 264 (Chapter 462, <i>Statutes of Nevada 2009</i> ).....	65
	b. Abstract.....	69
	c. Summary of Recommendations.....	71
11-10	Legislative Committee to Oversee the Western Regional Water Commission .....	73
	a. Senate Bill 487 (Chapter 531, <i>Statutes of Nevada 2007</i> ).....	75
	b. Abstract.....	101
	c. Summary of Recommendations.....	103
11-11	Advisory Commission on the Administration of Justice.....	105
	a. <i>Nevada Revised Statutes</i> 176.0123.....	107
	b. Abstract.....	109
	c. Summary of Recommendations.....	111
11-12	Occupational Safety .....	113
	a. <i>Nevada Revised Statutes</i> 218.200 .....	115
	b. Abstract.....	117
	c. Summary of Recommendations.....	119
11-13	Legislative Committee on Public Lands .....	123
	a. <i>Nevada Revised Statutes</i> 218E.510 .....	125
	b. Abstract.....	127
	c. Summary of Recommendations.....	129
11-14	Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System .....	135
	a. <i>Nevada Revised Statutes</i> 218E.555 .....	137
	b. Abstract.....	139
	c. Summary of Recommendations.....	141
11-15	Legislative Committee on Education.....	145
	a. <i>Nevada Revised Statutes</i> 218E.605 .....	147
	b. Abstract.....	149
	c. Summary of Recommendations.....	151

<b><u>Bulletin</u></b> <b><u>No.</u></b>	<b><u>Bulletin</u></b> <b><u>Title</u></b>	<b><u>Page</u></b>
11-16	Legislative Committee on Child Welfare and Juvenile Justice .....	155
	a. <i>Nevada Revised Statutes</i> 218E.705 .....	157
	b. Abstract.....	159
	c. Summary of Recommendations.....	163
11-17	Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs .....	167
	a. <i>Nevada Revised Statutes</i> 218E.750 .....	169
	b. Abstract.....	171
	c. Summary of Recommendations.....	173
11-18	Legislative Committee on Health Care .....	181
	a. <i>Nevada Revised Statutes</i> 439B.200 .....	183
	b. Abstract.....	185
	c. Summary of Recommendations.....	187
11-19	Committee on High-Level Radioactive Waste.....	195
	a. <i>Nevada Revised Statutes</i> 459.0085.....	197
	b. Abstract.....	199
	c. Summary of Recommendations.....	201
11-20	Commission on Special License Plates .....	203
	a. <i>Nevada Revised Statutes</i> 482.367004.....	205
	b. Abstract.....	207
	c. Summary of Recommendations.....	209



## BULLETIN NO. 11-02

### **SUMMARY BULLETIN OF REPORTS OF THE LEGISLATIVE COMMISSION TO THE 76TH SESSION OF THE NEVADA LEGISLATURE**

#### INTRODUCTION

This bulletin summarizes 18 study reports that were completed during the 2009-2010 Interim for consideration by the 2011 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 18 study reports in this publication, five studies were directed by concurrent or joint resolutions approved during the 2009 Legislative Session. Three studies were established by the Legislative Commission, including one that was originally created in 2007. Ten studies were authorized by laws appearing in NRS, including studies conducted by the Committees on Child Welfare and Juvenile Justice; Education; Health Care; High-Level Radioactive Waste; Occupational Safety; Public Lands; Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System; Senior Citizens, Veterans and Adults With Special Needs; as well as the Commission on Special License Plates and the Advisory Commission on the Administration of Justice.

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

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

**LEGISLATIVE COMMISSION**  
(*Nevada Revised Statutes 218E.150*)

*Composition of the Legislative Commission following the November 2, 2010, General Election:*

Assemblyman John Ocegüera, Chair  
Assemblyman Marcus L. Conklin, Vice Chair

**Senate**

Senator Barbara K. Cegavske  
Senator Steven A. Horsford  
Senator John J. Lee  
Senator Mike McGinness  
Senator Dean A. Rhoads  
Senator Michael A. Schneider

**Assembly**

Assemblywoman Marilyn Kirkpatrick  
Assemblyman Richard McArthur  
Assemblywoman Debbie Smith  
Assemblyman Lynn D. Stewart

BULLETIN NO. 11-03

**LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY  
THE GOVERNANCE AND OVERSIGHT OF THE  
SYSTEM OF K-12 PUBLIC EDUCATION**

Assembly Concurrent Resolution No. 2  
(File No. 89, *Statutes of Nevada 2009*)

**Members**

Assemblywoman Bonnie Parnell, Chair  
Senator Joyce L. Woodhouse, Vice Chair  
Senator Barbara K. Cegavske  
Senator Steven A. Horsford  
Assemblyman Paul Aizley  
Assemblyman Lynn D. Stewart

**Staff Contacts**

Research Division:

Melinda Martini, Senior Research Analyst  
Maryann Elorreaga, Senior Research Secretary  
Lucinda Benjamin, Senior Research Secretary  
(775) 684-6825

Legal Division:

Kristin C. Roberts, Senior Principal Deputy Legislative Counsel  
(775) 684-6830



**Assembly Concurrent Resolution No. 2**  
(File No. 89, *Statutes of Nevada 2009*)

Assembly Concurrent Resolution No. 2—  
Committee on Education

FILE NUMBER.....

**ASSEMBLY CONCURRENT RESOLUTION**—Directing the Legislative Commission to conduct an interim study concerning the governance and oversight of the system of K-12 public education in this State.

WHEREAS, An effective system of public education depends upon an effective and efficient system of state governance and oversight; and

WHEREAS, Nevada's current structure of governance and oversight for the system of public education consists of:

1. The Department of Education, which includes the State Board of Education, the State Board for Career and Technical Education and the Superintendent of Public Instruction;
2. The Commission on Professional Standards in Education;
3. The Commission on Educational Technology;
4. The regional training programs for the professional development of teachers and administrators, the Statewide Council for the Coordination of the Regional Training Programs and the governing bodies of the regional training programs;
5. The Council to Establish Academic Standards for Public Schools;
6. The Commission on Educational Excellence; and
7. The Legislative Committee on Education and the Legislative Bureau of Educational Accountability and Program Evaluation; and

WHEREAS, The Nevada Legislature hereby recognizes the need for a review and evaluation of the current structure of governance for the system of K-12 public education to ensure that the structure of governance is organized in a manner which provides for efficient operation and which meets the educational needs of the residents of this State; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission is hereby directed to appoint a committee composed of three members of the Senate and three members of the Assembly, one of whom must be appointed as Chairman of the committee, to conduct an interim study of the system of K-12 public education in this State, including the current governance and oversight structure of the system; and be it further

RESOLVED, That the committee shall recommend such action as may be necessary for the efficient and effective operation of the



governance and oversight structure of the system of K-12 public education in this State to ensure the steady progression of Nevada's public schools and the achievement of Nevada's pupils; and be it further

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

RESOLVED, That the Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 76th Session of the Nevada Legislature.



## ABSTRACT

### **LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY THE GOVERNANCE AND OVERSIGHT OF THE SYSTEM OF K-12 PUBLIC EDUCATION**

Assembly Concurrent Resolution No. 2  
(File No. 89, *Statutes of Nevada 2009*)

Assembly Concurrent Resolution No. 2 (File No. 89, *Statutes of Nevada 2009*) directs the Legislative Commission to conduct an interim study concerning the governance and oversight of the system of K-12 public education in Nevada. In response to this legislation, the Legislative Commission appointed three members of the Senate and three members of the Assembly to form a Committee and carry out the study. Based upon the findings of the interim study, the Committee is responsible for recommending actions necessary for the efficient and effective operation of the statewide system to ensure the steady progression of Nevada's public schools and the achievement of Nevada's pupils. A report of the results of the study and any recommendations for legislation will be submitted to the 76th Session of the Nevada Legislature in 2011.

The Committee held three meetings during the 2009-2010 Interim. In preparation for the study, the Chair of the Committee requested all interested parties to evaluate potential changes to the structure of statewide education governance in Nevada. To assist with this undertaking, a web-based Survey of Opinions was developed to ask important questions concerning the key entities included in the current structure of education governance, including the:

- State Board of Education;
- Superintendent of Public Instruction;
- Department of Education;
- Council to Establish Academic Standards for Public Schools;
- Commission on Educational Technology;
- Commission on Educational Excellence;
- Regional Training Programs for the Professional Development of Teachers and Administrators and the Statewide Council for the Coordination of the Regional Training Programs;
- Commission on Professional Standards in Education;

- Legislative Committee on Education; and
- Legislative Bureau of Educational Accountability and Program Evaluation.

The questions included in the Survey were developed to obtain information concerning the following: (1) the effectiveness of the current communication structure for each entity; (2) the effectiveness of each entity in meeting its goals, objectives, and overall mission; and (3) recommendations to increase the effectiveness of each entity. All key stakeholders in education were asked to complete the Survey. In total, 62 completed surveys were received; 50 from individuals and 12 from groups (representing 69 respondents). The total number of individual respondents to the survey was 119.

During each of the three meetings, findings from the Survey of Opinions for each entity were presented and discussed by members of the Committee. In addition, members of the Committee received presentations from each entity included in the study, answering the following questions:

1. What is the primary charge of the entity?
2. What is the annual budget that supports the work of the entity?
3. Who provides administrative support for the entity?
4. With which groups does the entity communicate?
5. Which group(s) oversees the work of the entity? Who does the entity answer to?
6. Is there duplication of duties with any other entity in the K-12 Governance Structure?
7. How does the work of the entity ultimately benefit students in the State of Nevada?
8. What recommendations are there for improving the efficiency and effectiveness of the entity?

The Committee also received historical information concerning state and national education governance structures. A representative of the Education Commission of the States provided a national overview of state education governance models. The Committee also received an overview of Nevada's K-12 public education governance structure, including the effect of the Nevada Education Reform Act on the governance structure. Finally, the Committee reviewed approaches to modify the structure of public education governance in response to certain federal initiatives.

The Committee held its work session on May 13, 2010, and Committee members reviewed and took action on proposals relating to each of the entities included in the study. The Committee

approved bill draft requests relating to the modification of the current structure of public education governance in Nevada, including revising the selection process for the State Board of Education and realigning the duties of the Superintendent of Public Instruction. In addition, letters and statements were approved to encourage actions to improve or modify the current governance structure, which will be included in the Committee's final report.



## SUMMARY OF RECOMMENDATIONS

### LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY THE GOVERNANCE AND OVERSIGHT OF THE SYSTEM OF K-12 PUBLIC EDUCATION

Assembly Concurrent Resolution No. 2  
(File No. 89, *Statutes of Nevada 2009*)

The following is a summary of the recommendations adopted by the Legislative Commission's Committee to Study the Governance and Oversight of the System of K-12 Public Education (Committee) at the May 13, 2010, meeting. One bill draft request (BDR) will be submitted to the 76th Session of the Nevada Legislature for its consideration in 2011. **(BDR 34-94)**

#### PROPOSALS RELATING TO THE STATE BOARD OF EDUCATION

1. Amend the statutes to change the name of the State Board of Education to the "Nevada Commission on K-12 Public Education." Further, amend the statutes to change the name of the members of the State Board to "Commissioners of Public Education."
2. Amend the statutes to revise the composition of the State Board of Education, as follows:

Elected Voting Members: One per each congressional district shall be elected at the 2012 General Election and take office on January 1, 2013. The new congressional districts shall be developed in redistricting lines set by the Legislature. Beginning on January 1, 2013, provide for staggered four-year terms. (**Note:** Currently there are three congressional districts in the State of Nevada. Based upon the census data, it is anticipated that the districts will increase to four congressional districts.)

Appointed Voting Members: Three voting members, appointed for two-year terms; members may be reappointed. One appointed by the Governor, and one each appointed by the Senate Majority Leader and the Speaker of the Assembly. Each member appointed by the Governor and legislative leadership must be a resident of Nevada and of the three appointments: (a) one member must be a K-12 teacher from a Nevada public school, including, without limitation, a charter school; (b) one member must be the parent or legal guardian of a pupil currently enrolled in a public school, including, without limitation, a charter school; and (c) one member must be a business person.

Appointed Nonvoting Members: Four nonvoting members, appointed for one-year terms; members may be reappointed. Appointments shall be made as follows: (a) one student appointed by the Nevada Association of Student Councils. The student shall be selected from names submitted by the Association, the Nevada Youth Legislature, and other statewide youth organizations; (b) one member of a local board of trustees appointed by the Nevada Association of School Boards; (c) one local school

district superintendent appointed by the Nevada Association of School Superintendents; and (d) one person from the Nevada System of Higher Education (NSHE) appointed by the Board of Regents.

3. Amend the statutes to transfer the duty of the Commission on Educational Excellence to establish a statewide program of educational excellence to the State Board of Education on July 1, 2011.
4. Require by statute the State Board of Education to review the current vision and mission statements for the State Board of Education and revise, as needed, to establish a statewide program of educational excellence and reflect the need for Nevada's students to have the ability to succeed in a global economy. The revised vision and mission statements shall be submitted to the Governor, the Director of the Legislative Counsel Bureau (LCB) for distribution to the Legislature, the Legislative Committee on Education (LCE), and the Legislative Bureau of Educational Accountability and Program Evaluation on or before July 1, 2013. The revised vision and mission statements shall be placed on the website of the Department of Education (DOE).
5. Amend the statutes to clarify that the State Board of Education, in developing its State Improvement Plan, will establish clearly defined goals and benchmarks for improving the academic achievement of students in the State of Nevada. The goals and benchmarks shall include, but shall not be limited to those listed in Senate Bill 330, Section 9(2), which was introduced but not enacted during the 2009 Legislative Session. Goals and benchmarks relating to graduation shall include college or career readiness. Finally, clarify that all goals and benchmarks included in any plan developed by the DOE shall be included in the State Improvement Plan, making the plan a comprehensive plan.
6. Amend the statutes to require the State Board of Education to meet at least 9 times per year beginning January 1, 2013, not to exceed 12 meetings. One of the required meetings must include a meeting of: (a) school district superintendents, including, without limitation, principals of charter schools; (b) presidents of the local boards of trustees, including, without limitation, representatives of the governing bodies of charter schools; and (c) chairs of all boards, commissions, and councils in the education governance system. The purpose of the meeting shall be to discuss the State's goals and benchmarks for improving the academic achievement of students in Nevada and the status of the achievement of the local schools, including charter schools, in reaching the goals and benchmarks. In addition, a description of any plans for corrective action requested by the Superintendent of Public Instruction, including the status of any such plans, shall be discussed.

**PROPOSALS RELATING TO THE SUPERINTENDENT  
OF PUBLIC INSTRUCTION**

7. Amend the statutes to require the Superintendent of Public Instruction to be the educational leader for K-12 public education for the State. Further, provide that the qualifications of the Superintendent of Public Instruction include the capability to carry out the duties required by law.
8. Amend the statutes to provide that the Superintendent of Public Instruction has the power to enforce the observance of all laws relating to schools and education. Further, amend the statutes to require the Superintendent of Public Instruction to request a plan for corrective action for school districts, the board of trustees of a school district, charter schools, or the governing body of a charter school that have not observed all laws relating to schools and education.
9. Amend the statutes to require the Superintendent of Public Instruction, in consultation with the State Board of Education, to compile and present in person an annual written report concerning the state of public education in Nevada. The report shall be made public and be presented, at a minimum, to the Governor, the LCE each interim, and to the Senate and Assembly standing committees on education during each legislative session.

The report shall include, in addition to the requirements set forth in *Nevada Revised Statutes* (NRS) 385.230, the following information: (a) a description of the vision and mission of the State Board of Education and the DOE; (b) a description of the goals and benchmarks for improving the academic achievement of students in Nevada as included in the State Improvement Plan; (c) an analysis of the progress made in the previous year toward reaching the goals and benchmarks for improving the academic achievement of students in Nevada; (d) an analysis of the extent to which internationally benchmarked standards and assessments have been adopted and implemented in Nevada to prepare students for success in college or careers; (e) an analysis of the extent to which school districts have recruited and retained effective teachers and principals; (f) an analysis of the extent to which the data systems that link student achievement to teacher and principal performance have been developed and implemented; (g) an analysis of the extent to which the lowest performing schools in the State have been turned around; (h) a summary of innovative education programs implemented in the State that appear to be effective in increasing the academic achievement of certain populations of students; and (i) a listing and description of any plans for corrective actions requested by the Superintendent of Public Instruction, including the status of any such plans. The effective date for inclusion of the revised report components shall be July 1, 2011, except for the analysis of the extent to which school districts have recruited and retained effective teachers and principals; this component shall become effective on July 1, 2012.

## **PROPOSALS RELATING TO THE DEPARTMENT OF EDUCATION**

10. Send a letter from the Committee to the State Board of Education and the Superintendent of Public Instruction asking that the current vision and mission statements for the DOE be reviewed and revised, as needed, to support a statewide program of educational excellence and reflect the need for Nevada's students to have the ability to succeed in a global economy. In making the revisions, the State Board of Education and the Superintendent shall clearly describe the extent to which the DOE will enforce, monitor, and assist all school districts, including charter schools, in pursuing its mission. The revised statements shall be submitted to the Governor, the Director of the LCB for distribution to the Legislature, the LCE, and the Legislative Bureau of Educational Accountability and Program Evaluation on or before January 1, 2011. The revised vision and mission statements shall be placed on the website of the DOE.
11. Send a letter from the Committee to the Governor, the Director of the LCB for distribution to the Legislature, the State Board of Education, the LCE, and the Superintendent of Public Instruction stressing the Committee's concern with the ability of the DOE to enforce, monitor, and assist all school districts to the extent needed. Concerns not only involve the number of staff, but also the geographic placement of staff to adequately address needs. The Committee requests the State Board of Education and the Superintendent of Public Instruction to study the structure of the DOE, as compared to other departments of education in the country, and make recommendations to modify the structure of the DOE to the 2011 Legislature.

## **PROPOSALS RELATING TO THE COUNCIL TO ESTABLISH ACADEMIC STANDARDS FOR PUBLIC SCHOOLS**

12. Amend the statutes to transfer the duties of the Council to Establish Academic Standards for Public Schools to the DOE; effective on July 1, 2011.
13. Amend the statutes to direct the DOE to develop a process for qualified parties who are knowledgeable in academic standards, both in Nevada and at a national level, to revise the State academic standards. The parties convened to revise the State academic standards shall serve without compensation, unless legislative appropriations to support compensation have been approved or funding is otherwise available for this purpose. The following parties, without limitation, may be included in the revision process: (a) Superintendent of Public Instruction; (b) K-12 teachers including, without limitation, charter school teachers; (c) members of local boards of trustees and governing bodies of charter schools; (d) representatives from the Regional Training Programs for the Regional Professional Development Programs (RPDPs); (e) business and industry professionals actively engaged in career fields dependent on the academic standards content areas; (f) parents or legal guardians of pupils who attend public schools and are not otherwise affiliated with the public school system of this State; (g) NSHE faculty from the colleges of education in the State; (h) professional educational organizations

knowledgeable in the subject area; and (i) other parties as deemed appropriate by the Superintendent of Public Instruction.

Further, amend the statutes to require the DOE to forward the recommended revisions of the academic standards to the State Board of Education for review and adoption.

### **PROPOSALS RELATING TO THE COMMISSION ON EDUCATIONAL TECHNOLOGY**

14. Amend the statutes to transfer the duties of the Commission on Educational Technology to the DOE; effective on July 1, 2011.
15. Amend the statutes to require the DOE to submit the plan for the use of educational technology in public schools to the State Board of Education for review and approval.
16. Amend the statutes to authorize the DOE to convene an advisory group of members who possess knowledge and experience in the application of educational technology and have an understanding of how technology may be used in the classroom to enhance and improve student academic achievement. The primary duties of the advisory group would be to: (a) review and revise the plan for the use of educational technology in public schools, including, without limitation, charter schools; and (b) review the applications for funds from the Trust Fund for Educational Technology and make recommendations for the allocation of funds to school districts and charter schools. The members of the advisory group shall serve without compensation, unless legislative appropriations to support compensation have been approved or funding is otherwise available for this purpose.

The following parties, without limitation, may be represented by membership on the advisory group: (a) school district administrators; (b) public school principals, including those in charter schools; (c) K-12 teachers, including, without limitation, charter school teachers; (d) members of local boards of trustees and governing bodies of charter schools; (e) public libraries; (f) the NSHE; (g) business and industry professionals; (h) private sector representatives; (i) parents or legal guardians of pupils who attend public schools, including, without limitation, charter schools, and are not otherwise affiliated with the public school system of this State; and (j) other parties as deemed appropriate by the Superintendent of Public Instruction.

17. Amend the statutes to require the State Board of Education to review the recommendations of the DOE, and the advisory group (if convened), concerning the allocation of funds from the Trust Fund for Educational Technology and approve the allocations, as appropriate. The allocation of funds from the Trust Fund for Educational Technology shall be based upon the priorities included in the plan for the use of educational technology in public schools and upon the needs of each school district, including, without limitation, each charter school; not on a per-pupil basis or formula

approach. The DOE would be responsible for the actual disbursements based upon the allocations approved by the State Board.

18. Amend the statutes to require an annual report that describes the allocation of money to school districts and an analysis of the progress of school districts including, without limitation, charter schools in carrying out the plan for the use of educational technology in public schools. The report shall be posted on the DOE's website and be distributed to all levels of government, including the State Board of Education; Superintendent of Public Instruction; Governor; Committee; Legislative Bureau of Educational Accountability and Program Evaluation; Interim Finance Committee (IFC); and Board of Trustees of each school district.
19. Include a statement in the final report encouraging all entities involved in the development of the plan for the use of educational technology in public schools and the allocation of funds from the Trust Fund for Educational Technology to stay current on the progress of educational technology from a national perspective.

#### **PROPOSALS RELATING TO THE COMMISSION ON EDUCATIONAL EXCELLENCE**

20. Amend the statutes to transfer the duties of the Commission on Educational Excellence, except those relating to establishing a program of educational excellence, to the DOE; effective on July 1, 2011. Duties relating to establishing a program of educational excellence are proposed to be transferred to the State Board of Education (see Proposal No. 3).
21. Amend the statutes to authorize the DOE to convene an advisory group of members who possess knowledge and experience in school improvement efforts. The members of the advisory group shall serve without compensation, unless legislative appropriations to support compensation have been approved or funding is otherwise available for this purpose. The primary duty of the advisory group would be to assist in the review of the applications for funds from the Account for Programs for Innovation and the Prevention of Remediation (Account) and make recommendations for the allocation of funds to public schools, including, without limitation, charter schools.

The following parties, without limitation, may be represented by membership on the advisory group: (a) school district administrators; (b) public school principals, including those in charter schools; (c) K-12 teachers including, without limitation, charter school teachers; (d) members of local boards of trustees and governing bodies of charter schools; (e) the NSHE; (f) parents or legal guardians of pupils who attend public schools including, without limitation, charter schools and are not otherwise affiliated with the public school system of this State; and (g) other parties as deemed appropriate by the Superintendent of Public Instruction.

22. Amend the statutes to require the State Board of Education to review the recommendations of the DOE, and the advisory group (if convened), concerning the allocation of funds from the Account and approve the allocations, as appropriate. The allocation of funds from the Account shall be based upon the needs of each public school, including, without limitation, each charter school; not on a per-pupil basis or formula approach. This would be in addition to the priorities for the allocation of funds from the Account already specified in NRS 385.3785 concerning adequate yearly progress and federal Title I eligibility. The DOE would be responsible for the actual disbursements based upon the allocations approved by the State Board.
23. Amend the statutes to require the annual report that describes the allocation of money to public schools, including, without limitation, charter schools, and consortiums of public schools to be posted on the DOE's website and submitted to the State Board of Education; Superintendent of Public Instruction; Governor; LCE; Legislative Bureau of Educational Accountability and Program Evaluation; IFC; board of trustees of each school district; and the governing body of each charter school.
24. Include a statement in the final report encouraging all entities involved in the allocation of funds from the Account to stay current on the progress of school improvement from a national perspective.

**PROPOSALS RELATING TO THE REGIONAL TRAINING PROGRAMS  
FOR THE PROFESSIONAL DEVELOPMENT OF  
TEACHERS AND ADMINISTRATORS**

25. Amend the statutes to transfer the duties of the Statewide Council for the Coordination of the Regional Training Programs to the Superintendent of Public Instruction; effective on July 1, 2011.  
  
Further, amend the statutes to require the Superintendent of Public Instruction, in carrying out the duties of the Council, to coordinate at least four meetings involving the following entities: (a) each coordinator hired by the governing body of each RPDP; (b) one member of the governing body of each RPDP; (c) one representative of the Nevada State Education Association, appointed by the president of that Association; (d) one representative from the Colleges of Education of the NSHE; and (e) other representatives, as determined by the Superintendent of Public Instruction.
26. Amend the statutes to require the Superintendent of Public Instruction to forward the uniform standards for statewide professional development; uniform procedures for the evaluation of the training programs; and a report of the long-range planning for statewide professional development to the State Board of Education for review and approval, as appropriate.

27. Amend the statutes to require the State Board of Education to include a representative from each of the three RPDPs in preparing the State Improvement Plan.
28. Amend the statutes to require the governing body of each RPDP to submit its proposed budget to the Superintendent of Public Instruction. Further, amend the statutes to require the Superintendent of Public Instruction to submit the proposed budgets to the State Board of Education for review and possible inclusion in the budget of the DOE.

The State Board may reject any portion of the submitted proposed budgets, but must submit a written report to the applicable RPDP governing body detailing reasons for the rejection. If the State Board submits a rejection report to the governing body of an RPDP, the governing body may revise and resubmit the proposed budget to the State Board. A copy of the rejection report shall be forwarded to the Governor, Director of the LCB for submission to the Legislature, the LCE, and the Legislative Bureau of Educational Accountability and Program Evaluation.

29. Amend the statutes to reflect that once the budgets for the RPDPs are approved through the legislative process, any revisions to the budgets shall follow the same process other State agencies adhere to pursuant to Chapter 353 of NRS.
30. Send a letter from the Committee to the governing bodies of the RPDPs requesting that the findings from the evaluations of the training provided by the RPDPs be summarized and forwarded, at a minimum, to the school and school district that sent the teachers and administrators for training.

#### **PROPOSALS RELATING TO THE COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION**

31. Amend the statutes to revise the process for appointment of members to the Commission. Beginning January 1, 2012, the Governor shall appoint five members, as follows:
  - Four teachers: (a) one who teaches in a secondary school; (b) one who teaches in a middle school or junior high school; (c) one who teaches in an elementary school; and (d) one who teaches special education. One of the four teachers must be employed by a private school licensed pursuant to Chapter 394 of NRS; and
  - One member who is a parent or legal guardian of a pupil who attends a public school and is not otherwise affiliated with the public school system of this State.

Beginning January 1, 2012, the Majority Leader of the Senate and the Speaker of the Assembly shall each appoint two members, ensuring that the following positions are represented:

- One counselor or psychologist employed by a school district;

- Two administrators of schools, one of which is a principal of a school; and
- The Dean of the College of Education at one of the universities in the NSHE, or a representative of one of the Colleges of Education nominated by a dean for appointment.

The Superintendent of Public Instruction or a designee shall serve as an ex officio nonvoting member on the Commission.

32. Amend NRS 391.027 to remove cause for disapproval of any regulation adopted by the Commission.
33. Amend the statutes to require the Commission to provide a written report and present its activities to the State Board of Education and the LCE annually, on or before December 1. The written report and presentation shall include, at a minimum: (a) a status report on regulations currently being considered by the Commission, including a summary of the regulations adopted by the Commission; (b) a work plan designating the activities of the Commission during the next biennium; and (c) a description of the progress of any regulations required through legislation pertaining to professional licensing in public education from the previous two legislative sessions, including a detailed explanation if certain regulations were not adopted if required by the legislation.
34. Send a letter from the Committee to the Superintendent of Public Instruction, the State Board of Education, and the Commission stressing the importance of streamlining the decision-making process for professional standards in a timely manner consistent with legislative intent. During the decision-making process, it is imperative to seek input from teachers and administrators representing all subject areas and all regions of the State, including, without limitation, charter schools, as well as seek the advice of national experts on the current state of professional licensing in education. The areas of reciprocity with other states, the effect of rigorous standards for teachers and administrators on student academic achievement, and certification needs of teachers who teach diverse populations have all been cited as areas in need of research and review by the Commission.

#### **PROPOSALS RELATING TO THE LEGISLATIVE COMMITTEE ON EDUCATION**

35. Send a letter from the Committee to the Chair of the LCE (2011-2012 Interim) urging the solicitation of recommendations for issues to be reviewed by the LCE during the interim from the State Board of Education, the Nevada State Education Association, the Nevada Association of School Administrators, local boards of trustees, governing bodies of charter schools, a statewide organization for parents of pupils, and other organizations and entities related to education in this State. In addition, urge the Chair to consider any

legislation approved through a previous legislative session and other educational topics considered by that session for potential issues to be reviewed by the LCE.

**PROPOSALS RELATING TO THE LEGISLATIVE BUREAU OF  
EDUCATIONAL ACCOUNTABILITY AND  
PROGRAM EVALUATION**

36. Amend the statutes to require the Legislative Bureau of Educational Accountability and Program Evaluation to assist the LCE in monitoring the progress of changes and reformations of the State Board of Education, DOE, RPDPs, Commission on Professional Standards in Education, and the system of public education in this State generally, including an analysis of the effectiveness of the changes and reformations.
37. Amend the statutes to require the written report describing the duties and findings of the Legislative Bureau of Educational Accountability and Program Evaluation to be submitted to the Director of the LCB on or before October 1 instead of December 31 and to the LCE prior to its first meeting each interim.
38. Include a statement in the final report encouraging staff of the Legislative Bureau of Educational Accountability and Program Evaluation to meet with the Chair of the LCE prior to the first meeting of the LCE to discuss the duties and findings of the Bureau, which may be helpful to the LCE during the interim.
39. Amend NRS 385.359, which currently requires the Legislative Bureau of Educational Accountability and Program Evaluation to contract with a person or entity to review and analyze the reports of accountability and plans for improvement developed by school districts and the State Board of Education and instead authorize the Bureau, at the direction of the LCE, to convene a group of key stakeholders in education to conduct the review and analysis.
40. Send a letter from the Committee to the Legislative Bureau of Educational Accountability and Program Evaluation requesting a report on the progress of the DOE in accessing and utilizing federal funds. In providing the report, indicate the amount of federal funds that have been returned to the federal government by budget account. The report should be sent to the IFC and the LCE.

BULLETIN NO. 11-04

**LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY THE  
REQUIREMENTS FOR REAPPORTIONMENT AND REDISTRICTING**

Assembly Concurrent Resolution No. 19  
(File No. 76, *Statutes of Nevada 2009*)

**Members**

Assemblyman Tick Segerblom, Chair  
Senator Steven A. Horsford, Vice Chair  
Senator John J. Lee  
Senator Mike McGinness  
Senator William J. Raggio  
Senator Joyce L. Woodhouse  
Assemblyman Peter (Pete) J. Goicoechea  
(replaced Assemblywoman Heidi S. Gansert on August 13, 2010)  
Assemblyman John Ocegüera  
Assemblywoman Debbie Smith

**Staff Contacts**

Director's Office:  
Lorne J. Malkiewich, Director, Legislative Counsel Bureau  
(775) 684-6800

Research Division:  
Donald O. Williams, Research Director  
Michael J. Stewart, Supervising Principal Research Analyst  
Patrick Guinan, Senior Research Analyst  
Jeanne Peyton, Senior Research Secretary  
(775) 684-6825

Legal Division:  
Eileen G. O'Grady, Chief Deputy Legislative Counsel  
Kristin C. Roberts, Senior Principal Deputy Legislative Counsel  
(775) 684-6830

Las Vegas Office:  
Brian L. Davie, Legislative Services Officer  
(702) 486-2800

Administrative Division:  
Kathy L. Steinle, GIS Manager, Information Technology Services Unit  
(775) 684-6810

**Assembly Concurrent Resolution No. 19—Committee on Elections,  
Procedures, Ethics, and Constitutional Amendments**

FILE NUMBER 76

ASSEMBLY CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study of the requirements for reapportionment and redistricting in the State of Nevada.

WHEREAS, The 76th Session of the Nevada Legislature will be required to reapportion and redistrict the election districts for the members of the Legislature, the members of the United States House of Representatives from the State of Nevada, the Board of Regents of the University of Nevada and the State Board of Education; and

WHEREAS, The Bureau of the Census of the United States Department of Commerce is required to deliver redistricting data from the decennial census in 2010 to the states not later than April 1, 2011, when the Nevada Legislature will already be in session; and

WHEREAS, The amount of data from the census in 2010 and the necessity to accomplish reapportionment and redistricting in an expeditious manner during the 76th Session of the Nevada Legislature will require additional computer software and extensive preparation and testing to allow for the generation and analysis of proposals concerning reapportionment and redistricting; and

WHEREAS, The reapportionment and redistricting must comply with current case law and constitutional and statutory legal requirements; and

WHEREAS, The Nevada Legislature has been working with the Bureau of the Census on the Voting District/Block Boundary Suggestion Project and other programs in preparation for the census in 2010 and the process of reapportionment and redistricting; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission is hereby directed to study the requirements for reapportionment and redistricting in this State in conjunction with the data from the decennial census of 2010; and be it further

RESOLVED, That the study include:

1. A continuing examination and monitoring of any redistricting systems established or recommended by the 75th Session of the Nevada Legislature, or to be established pursuant to any legislation enacted by the 75th Session of the Nevada Legislature, including the requirements for computer equipment, computer software and the training of personnel;

2. A review of the case law concerning planning for reapportionment and redistricting in other states;

3. A review of the programs concerning planning for reapportionment and redistricting in other states;

4. The continuation of the State's participation in the programs of the Bureau of the Census; and

5. The participation in a program of the Bureau of the Census to increase the awareness of the general public concerning the census to ensure a complete and accurate count of all Nevadans in the year 2010; and be it further

RESOLVED, That the Legislative Commission may enter into contracts or other necessary agreements to establish and test reapportionment and redistricting programs and computer equipment to provide for the timely and efficient commencement of data processing for reapportionment and redistricting before the Legislature convenes in 2011; and be it further

RESOLVED, That no action may be taken by the interim study committee on recommended legislation unless it receives a majority vote of the Assemblymen on the committee and a majority vote of the Senators on the committee; and be it further

RESOLVED, That the Legislative Commission report to the 76th Session of the Nevada Legislature the results of the study and any action taken in preparation for and any recommendations concerning reapportionment and redistricting.

**20 ~ ~ ~ ~ ~ 09**

## ABSTRACT

### **LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY THE REQUIREMENTS FOR REAPPORTIONMENT AND REDISTRICTING**

Assembly Concurrent Resolution No. 19  
(File No. 76, *Statutes of Nevada 2009*)

The 2009 Nevada Legislature adopted Assembly Concurrent Resolution No. 19 (File No. 76, *Statutes of Nevada 2009*), which directs the Legislative Commission to study and make recommendations to the 2011 Legislative Session concerning the requirements for reapportionment and redistricting in Nevada in conjunction with the data from the decennial census of 2010. The resolution directs that the study include a continuing examination and monitoring of redistricting systems, including the requirements for computer equipment, computer software, and the training of personnel. In addition, the resolution provides that the study include a review of the case law concerning the legal requirements for redistricting and reapportionment, a review of the programs concerning planning for reapportionment and redistricting in other states, a continuation of the State's participation in the programs of the United States Census Bureau (Census Bureau), and participation in the Census Bureau's program to increase the awareness of the general public concerning the census to ensure a complete and accurate count of all Nevadans in 2010.

The Legislative Commission appointed a joint interim study committee on reapportionment and redistricting consisting of nine members—five from the Senate and four from the Assembly. The members include the leadership of each party in each house and represent legislative districts in Clark County, Washoe County, and Nevada's rural counties. The Committee to Study the Requirements for Reapportionment and Redistricting held four meetings in 2010 (held in February, May, July, and December) and heard briefings and presentations on numerous topics, including: (1) the general scope and requirements for reapportionment and redistricting; (2) Census Bureau activities and updates and efforts to promote the 2010 Decennial Census; (3) an overview of the legal parameters associated with this process; (4) a review of available computer technology and Geographic Information Systems (GIS) mapping capabilities; (5) the use of census geography in redistricting; (6) historical summaries of past reapportionment and redistricting efforts; (7) the impacts of redistricting on election procedures and practices, especially those procedures dealing with ballot preparation; (8) public participation and participation by members of ethnic minority communities in redistricting; and (9) the use of election data in the reapportionment and redistricting process. In addition, the Committee sponsored the ongoing publication of a newsletter to help inform and educate Nevada's legislators and the public about the 2010 Census and redistricting issues during the 2009-2010 Interim and during the 2011 Legislative Session.

The final report of the Legislative Commission's Committee to Study the Requirements for Reapportionment and Redistricting is designed to serve as an overview of the reapportionment and redistricting process. It includes detailed information on the legal and technical issues

relating to reapportionment and redistricting, along with an overview of the activities and recommendations of the Committee. The Committee approved the following four recommendations: (1) the selection and purchase of necessary redistricting computer hardware and software; (2) the hiring of additional GIS staff for the 2011 Legislative Session; (3) the selection of an election database to be used during the 2011 Legislative Session for reapportionment and redistricting purposes; and (4) a listing of legislative rules and guidelines for reapportionment and redistricting to be included in the Joint Standing Rules of the Senate and Assembly for the 2011 Legislative Session.

## SUMMARY OF RECOMMENDATIONS

### LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY THE REQUIREMENTS FOR REAPPORTIONMENT AND REDISTRICTING

Assembly Concurrent Resolution No. 19  
(File No. 76, *Statutes of Nevada 2009*)

This summary presents the recommendations approved by the Legislative Commission's Committee to Study the Requirements for Reapportionment and Redistricting during the 2009-2010 Interim. The following four recommendations were adopted during the Committee's meetings on July 21, 2010, and December 6, 2010:

1. Purchase eight autoBound redistricting software licenses—four to be used by caucuses of the Senate and Assembly, two for staff, and two for public workstations—and the required parallel hardware, including: (a) four workstations to be used by the caucuses, each including a laptop computer with a docking station, a large monitor, and a small desktop color plotter; (b) two projectors that would be shared for presentations; and (c) four desktop computers, including a large monitor and a desktop color plotter to be used for the two public workstations and two staff workstations.
2. Hire four session-only employees (one for each caucus), who would be located in the Information Technology Services Unit of the Legislative Counsel Bureau in order to assist with Geographic Information Systems support and provide related services for reapportionment and redistricting during the 2011 Legislative Session.
3. Select, for use during the 2011 reapportionment and redistricting exercise, an elections database that includes comprehensive election information from the following elections:
  - a. 2006 General Election contest for Nevada Governor—Gibbons (R) (48 percent) vs. Titus (D) (44 percent);
  - b. 2008 General Election contest for President of the United States—McCain (R) (43 percent) vs. Obama (D) (55 percent);
  - c. 2010 General Election contest for United States Senate—Angle (R) (45 percent) vs. Reid (D) (50 percent); and
  - d. 2010 General Election contest for State Treasurer—Marshall (D) (48 percent) vs. Martin (R) (44 percent).
4. Adopt rules for inclusion in the Joint Standing Rules of the Senate and Assembly for the 2011 Legislative Session addressing: (a) the responsibility for redistricting measures and approval of research requests; (b) equality of representation for congressional districts,

state legislative districts, and the districts for the State Board of Education and the Board of Regents of the University of Nevada; (c) the use of a population database for reapportionment and redistricting; (d) the use of census geography for district boundaries; (e) procedures for the Senate and Assembly committees tasked with reapportionment and redistricting; (f) compliance with the Voting Rights Act (42 U.S.C. § 1973(a)); and (g) public participation in the reapportionment and redistricting process.

**LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY  
THE DEVELOPMENT AND PROMOTION OF LOGISTICS AND DISTRIBUTION  
CENTERS AND ISSUES CONCERNING INFRASTRUCTURE  
AND TRANSPORTATION**

Assembly Concurrent Resolution No. 30  
(File No. 96, *Statutes of Nevada 2009*)

**Members**

Assemblyman Kelvin D. Atkinson, Chair  
Senator Shirley A. Breeden, Vice Chair  
Senator Bob Coffin  
Senator Dennis Nolan  
Senator David R. Parks  
Senator Maurice E. Washington  
Assemblywoman Barbara E. Buckley  
Assemblywoman Heidi S. Gansert

**Staff Contacts**

Research Division:

Marjorie Paslov Thomas, Principal Research Analyst  
Wayne Thorley, Senior Research Analyst  
Lucinda Benjamin, Senior Research Secretary  
(775) 684-6825

Legal Division:

Heidi A. Chlarson, Principal Deputy Legislative Counsel  
Darcy L. Johnson, Deputy Legislative Counsel  
(775) 684-6830



**Assembly Concurrent Resolution No. 30**  
(File No. 96, *Statutes of Nevada 2009*)

\*

Assembly Concurrent Resolution No. 30—  
Assemblymen Buckley and Atkinson

FILE NUMBER.....

**ASSEMBLY CONCURRENT RESOLUTION**—Directing the Legislative Commission to conduct an interim study on the development and promotion of logistics and distribution centers and issues concerning infrastructure and transportation in this State.

WHEREAS, The creation of new jobs and promoting diversification of the Nevada economy is a critical need and an overriding goal of the Legislature; and

WHEREAS, Nevada is uniquely positioned by virtue of its location and favorable business climate to serve as a logistics and distribution center for the receipt, shipment and assembly of goods on the West Coast to points north and east; and

WHEREAS, The Nevada System of Higher Education, including the state universities in Reno and Las Vegas, has expertise in supply chain management and can provide consulting support, managerial development through degree programs and job training opportunities; and

WHEREAS, Foreign trade zones exist in both southern and northern Nevada for the purpose, among other things, of facilitating the growth of logistics and distribution centers; and

WHEREAS, The Clark County Regional Airport System, the Tahoe-Reno Industrial Center in Storey County and the Reno-Tahoe International Airport are poised for future development as logistics and distribution centers and for the creation of a wide range of jobs in supply chain management; and

WHEREAS, The Elko County Rail Port provides additional opportunities for east-west distribution of goods and development of a logistics cluster; and

WHEREAS, The continuing growth of the population in Nevada has caused growing traffic congestion, environmental issues as a result of such congestion and difficulty in maintaining and expanding the transportation infrastructure in this State because of financial, environmental and physical constraints; and

WHEREAS, Mass transportation systems and the infrastructure for transportation systems play an integral role in supporting the diversification and expansion of the workforce and economy; and

WHEREAS, Efficient mass transportation systems and the infrastructure for transportation systems reduce environmental



degradation and decrease congestion on major roadways; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission is hereby directed to appoint a subcommittee to study the development and promotion of Nevada as a logistics and distribution center and issues concerning infrastructure and transportation; and be it further

RESOLVED, That to facilitate the investment of private capital in logistics and distribution centers, the subcommittee may solicit input from representatives of state and local economic development organizations, interstate transportation facilities in Nevada, transport and logistics companies, manufacturing and other business interests, foreign trade zones, institutions within the Nevada System of Higher Education, and such other governmental or private stakeholders as the subcommittee deems appropriate; and be it further

RESOLVED, That the subcommittee shall formulate a strategy and develop an implementation plan detailing the steps that need to be taken to create and promote the further development of Nevada as a logistics and distribution center which must include, without limitation:

1. Identification of barriers to the development of logistics and distribution centers;
2. The costs and benefits associated with expanding mass transportation systems and developing the necessary infrastructure for transportation systems;
3. Delineation of future foreign trade zones;
4. Prioritization of infrastructure needs, including energy and water, infrastructure and transportation systems, including mass transportation systems and light rail corridors;
5. Formation of public-private partnerships for financing and incubation of new businesses;
6. Funding options for the expansion of mass transportation systems and light rail corridors;
7. Attraction of businesses associated with supply chain management activities, including assembly, manufacturing, warehousing and transportation; and
8. Identification of strategic public policy actions to expedite the investment of private development companies in major logistics centers in Nevada; and be it further

RESOLVED, That the Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 76th Session of the Nevada Legislature.



## ABSTRACT

### **LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY THE DEVELOPMENT AND PROMOTION OF LOGISTICS AND DISTRIBUTION CENTERS AND ISSUES CONCERNING INFRASTRUCTURE AND TRANSPORTATION**

Assembly Concurrent Resolution No. 30  
(File No. 96, *Statutes of Nevada 2009*)

During the 75th Legislative Session, the Nevada Legislature passed Assembly Concurrent Resolution No. 30 (File No. 96, *Statutes of Nevada 2009*), which directed the Subcommittee to formulate a strategy and develop an implementation plan detailing the steps that need to be taken to create and promote the further development of Nevada as a logistics and distribution center. The Subcommittee was directed to consider, without limitation: (1) identification of barriers to the development of logistics and distribution centers; (2) costs and benefits associated with expanding mass transportation systems and developing the necessary infrastructure for transportation systems; (3) delineation of future foreign trade zones; (4) prioritization of infrastructure needs, including energy and water, infrastructure and transportation systems, including mass transportation systems and light rail corridors; (5) formation of public-private partnerships for financing and incubation of new businesses; (6) funding options for the expansion of mass transportation systems and light rail corridors; (7) attraction of businesses associated with supply chain management activities, including assembly, manufacturing, warehousing, and transportation; and (8) identification of strategic public policy actions to expedite the investment of private development companies in major logistic centers in Nevada.

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

During the fourth and final meeting of the Subcommittee, the members conducted a work session, during which they considered 12 recommendations, which included a vote to forward 5 bill draft requests to the 76th Nevada Legislature. The recommendations support the promotion of economic development in Nevada. Additionally, the Subcommittee members voted to send five letters to federal, State, or local entities expressing their support for various issues relating to the development and promotion of logistics and distribution centers and issues concerning infrastructure and transportation.

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 DEVELOPMENT AND PROMOTION OF LOGISTICS AND DISTRIBUTION CENTERS AND ISSUES CONCERNING INFRASTRUCTURE AND TRANSPORTATION

Assembly Concurrent Resolution No. 30  
(File No. 96, *Statutes of Nevada 2009*)

On June 21, 2010, during the fourth and final meeting of the Legislative Commission's Subcommittee to Study the Development and Promotion of Logistics and Distribution Centers and Issues Concerning Infrastructure and Transportation (Assembly Concurrent Resolution No. 30, File No. 96, *Statutes of Nevada 2009*), the members conducted a work session and voted to forward five bill draft requests (BDRs) to the 2011 Legislature. The Subcommittee members also voted to draft five letters to various entities expressing their support for specific issues or encouraging certain action. During the work session, the members also voted to include a statement of support for issues in the Subcommittee's final report. A summary of each BDR, letter, and statement 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 letters 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 REQUESTS

1. Draft a resolution asking Congress and the Federal Highway Administration, United States Department of Transportation, to designate U.S. Route 93 as future Interstate Highway 11. The Interstate Highway would begin at the border of Mexico (south of Tucson, Arizona), continue through Las Vegas, Nevada, and Reno, Nevada, and end at the border of Canada (north of Seattle, Washington). By designating this as an Interstate Highway, it would connect to the Interstate Highway 40 east to west corridor and assist in making Nevada the distribution and manufacturing "Capital of the West." **(BDR R-171)**
2. Draft a bill to allow a person who intends to locate a logistics-based business or renewable energy business, excluding businesses that would be currently eligible for the abatements set forth in NRS 360.750 or 701A.365, to apply to the Commission on Economic Development for a partial abatement of one or more of the taxes imposed on the new business pursuant to Chapters 361, 363B, or 374 of the NRS. If the business is in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business must meet at least two of the following requirements: **(BDR 32-175)**

- The business will have 50 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation;
  - Establishing the business will require the business to make a capital investment of at least \$500,000 in this State; or
  - The average hourly wage that will be paid by the new business to its employees in this State is at least 80 percent of the average statewide hourly wage established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year, and the business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees. The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Commission.
3. Draft a resolution expressing the Legislature’s intent to support economic development in two areas: (1) logistics-related businesses; and (2) renewable energy-related businesses. The resolution should further express the legislative intent that funds from any source which are used for job training, vocational education, or other relevant projects, be considered first for job training, education and development in logistics-related businesses, and renewable energy-related businesses, to develop expertise in the Nevada workforce. **(BDR R-174)**
  4. Draft a bill that makes various changes relating to logistics and distribution centers for the Legislative Commission’s Subcommittee to Study the Development and Promotion of Logistics and Distribution Centers and Issues Concerning Infrastructure and Transportation. **(BDR 26-176)**
  5. Draft a bill that makes various changes relating to the development of infrastructure and transportation issues in Nevada for the Legislative Commission’s Subcommittee to Study the Development and Promotion of Logistics and Distribution Centers and Issues Concerning Infrastructure and Transportation. **(BDR 22-177)**

## LETTERS

6. Draft letters to Nevada’s Department of Transportation (NDOT), the Board of Directors of NDOT, and Nevada’s Congressional Delegation, supporting the development of State Route 805, which will connect Interstate Highway 80 and U.S. Highway 50. According to testimony, the developers of the Tahoe-Reno Industrial Center in Storey County will donate the right-of-way to the State for the construction of State Route 805. Further, it was noted that the creation of this road is vital to the continued growth and economic diversification of Nevada.

7. Draft letters to the Clark County Board of Commissioners, the Director of the Aviation Department of Clark County, and the Director of NDOT urging their support of the industrial development within the Ivanpah range along with the development of the future Ivanpah Airport. According to testimony, industrial development in the area should be included in the Environmental Impact Study, which is being prepared by Clark County's Aviation Department. Also, consideration should be given to the current capacity of McCarran International Airport as the Ivanpah Airport is developed. Additionally, funding should be allocated for the development of road, rail, and utility infrastructure into the Ivanpah area and consideration should be given to expand State Route 164 in order to serve the Ivanpah area.
8. Draft letters to the Clark County Board of Commissioners; City Councils of Boulder City, City of Henderson, City of Las Vegas, City of North Las Vegas; and the Board of the National Association of Industrial and Office Properties, Southern Nevada Chapter, requesting that they coordinate and designate funding and stimulus dollars for construction of infrastructure improvements including roads, electrical, sewer, and other utilities to large areas of vacant land in southern Nevada. It was noted that large sites should be developed quickly in order to attract major distribution centers and manufacturers.
9. Draft letters to the members of the Western High-Speed Rail Alliance, which include the Denver Regional Council of Governments, Maricopa Association of Governments, Regional Transportation Commission (RTC) of Southern Nevada, RTC of Washoe County, and the Utah Transit Authority, supporting their efforts of determining the viability of developing and promoting a high-speed rail (HSR) network to provide HSR connections throughout the Rocky Mountain region with eventual connections to the Pacific Coast and other regions of the United States. Additionally, the members of the Alliance should be commended for its plan to work jointly for the acquisition of funding to conduct studies of HSR options, to develop plans for HSR infrastructure, and to construct HSR facilities throughout the region as they are determined to be viable. Further, a HSR promotes economic expansion (including new manufacturing jobs), creates new choices for travelers beyond flying or driving, reduces national dependence on oil, and fosters urban and rural community development.
10. Draft letters to the Governor of the State of Nevada, Lieutenant Governor (serving in his capacity of Chair of the Commission on Economic Development), Chair of the Senate Committee on Finance, and Chair of the Assembly Committee on Ways and Means urging them to promote Nevada as the "Manufacturing and Distribution Capital of the West" and the "Best Business Climate in America." Focus should be on companies that have a large number of jobs, not only highly technical jobs but high-paying jobs. Additionally, a professional national media campaign should be designed to attract businesses from the east that are considering moving west. In order to accomplish this, funding should be included in the *Executive Budget* to hire and pay for such a campaign. Further, the State should increase funding to local economic development agencies,

including the Economic Development Authority of Western Nevada (EDAWN) and the Nevada Development Authority (NDA) to achieve their existing economic development goals.

### **STATEMENT IN THE FINAL REPORT**

11. Include a statement in the final report supporting a partnership between the State, the business community, and the Nevada System of Higher Education, to further the logistics and supply chain management industry in Nevada. Members of the partnership should consider focusing its resources on a consolidated Supply Chain Management program, beginning in the elementary schools and continuing up to the university level.
12. Include a statement in the final report encouraging the Secretary of State, Commission on Economic Development, EDAWN, NDA, Las Vegas Chamber of Commerce, Reno/Sparks Chamber of Commerce, and any other interested parties including leaders of the business community, to meet and develop a coordinated statewide economic development plan to promote diversification of the Nevada economy. The participants should consider consolidating resources and identifying targeted industries to relocate to Nevada. It is important to target such industries, particularly for education and training.

BULLETIN NO. 11-06

**LEGISLATIVE COMMISSION'S COMMITTEE TO  
CONDUCT AN INTERIM STUDY ON THE  
PRODUCTION AND USE OF ENERGY**

Senate Concurrent Resolution No. 19  
(File No. 99, *Statutes of Nevada 2009*)

**Members**

Senator Michael A. Schneider, Chair  
Assemblywoman Marilyn Kirkpatrick, Vice Chair  
Senator John J. Lee  
Senator Randolph J. Townsend  
(resigned from office on April 28, 2010)  
Assemblyman Marcus L. Conklin  
Assemblywoman Heidi S. Gansert

**Staff Contacts**

Research Division:  
Scott Young, Principal Policy and Special Projects Analyst  
Wayne Thorley, Senior Research Analyst  
Anne Vorderbruggen, Senior Research Secretary  
(775) 684-6825

Legal Division:  
Matthew S. Nichols, Principal Deputy Legislative Counsel  
(775) 684-6830



**Senate Concurrent Resolution No. 19**  
(File No. 99, *Statutes of Nevada 2009*)

Senate Concurrent Resolution No. 19—Committee on Energy,  
Infrastructure and Transportation

FILE NUMBER.....

SENATE CONCURRENT RESOLUTION—Directing the  
Legislative Commission to appoint a committee to conduct  
an interim study relating to the production and use of energy  
in the State.

WHEREAS, Energy, in terms of electric power production, heating and transportation, is fundamental to every aspect of Nevada's economy and competitiveness; and

WHEREAS, Power demands continue to grow as Nevada's population and business infrastructure grow, and although growth in the State, along with the nation, has temporarily slowed, historically, national and local economies rebound robustly from such periods; and

WHEREAS, Energy projects can stimulate Nevada's economic growth and have particular application in rural areas; and

WHEREAS, While an estimated \$11 billion per year is spent on energy and transportation fuel, a great deal of this is spent outside of this State, and studies estimate that for every such dollar retained within the State, there is a six-fold multiplier effect in the State's economy; and

WHEREAS, More efficient utilization of energy frees public and private funds for use in other areas such as education, infrastructure, public health and public safety; and

WHEREAS, Energy production and consumption profoundly affect the environment, including air quality and water supplies, as well as public health; and

WHEREAS, Nevada Legislators who have extensive energy experience will begin to term-limit after this Session, so there is a need to educate additional Legislators before those with the most expertise are gone; and

WHEREAS, There has not been a legislative energy study since 1997-1998, yet energy technologies, needs and issues have changed significantly in the last decade; and

WHEREAS, Nevada is poised to build thousands of megawatts of electrical generation plants which will serve as the backbone of the State's power sector for decades, and the useful life of such plants is approximately 40 years, so decisions made now will determine the course of energy policy for nearly the next half-century; now, therefore, be it



RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Legislative Commission is hereby directed to appoint a committee, composed of three members of the Senate and three members of the Assembly, to conduct an interim study concerning energy production and use in the State; and be it further

RESOLVED, That the study must include, without limitation:

1. A review of the statutes and regulations of this State relating to energy production, use and transmission, energy efficiency, including energy efficiency in public buildings, the use and availability of transportation fuels and facilities, including alternative fuels, and motor vehicle electrification;

2. A review of the extent of biofuel production in Nevada and prospects for increasing production at existing facilities and introducing new types of such fuels, including biodiesel, ethanol from nonfood sources, algae-based fuel and other emerging fuel technologies;

3. A review of existing state energy and energy efficiency programs and their implementation and effectiveness, with periodic progress reports from the agencies and entities charged with implementation of these programs;

4. A review of new energy and energy efficiency programs enacted during the 75th Session of the Nevada Legislature and their implementation and effectiveness, with periodic progress reports from the agencies and entities charged with implementation of these new programs;

5. Receipt of continued input from interested parties and the public on ways existing and new programs can be further improved;

6. Solicitation of recommendations for additional new programs for future legislative consideration and potential enactment;

7. A review of existing and emerging green technologies, including smart grid technology, and their suitability for deployment in Nevada, including consideration of obstacles to deployment and methods to eliminate or minimize those obstacles; and

8. A review of efforts to attract more green industries and jobs to Nevada and exploration of ways to expand existing green businesses and jobs in Nevada; and be it further

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



- 3 -

RESOLVED, That the Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 76th Session of the Nevada Legislature.

20 \_\_\_\_\_ 09





## ABSTRACT

### **LEGISLATIVE COMMISSION'S COMMITTEE TO CONDUCT AN INTERIM STUDY ON THE PRODUCTION AND USE OF ENERGY**

Senate Concurrent Resolution No. 19  
(File No. 99, *Statutes of Nevada 2009*)

The Legislative Commission's Committee was directed to conduct a study of the production and use of energy in the State. The Committee was created in 2009 under Senate Concurrent Resolution No. 19 (File No. 99, *Statutes of Nevada*). The Legislative Commission must submit a report of the results of the study and any recommendations for legislation to the 76th Session of the Nevada Legislature.

The Committee was directed to: (1) review the statutes and regulations of this State relating to energy production, use and transmission, energy efficiency including energy efficiency in public buildings, the use and availability of transportation fuels and facilities including alternative fuels, and motor vehicle electrification; (2) review the extent of biofuel production in Nevada and prospects for increasing production at existing facilities and introducing new types of such fuels, including biodiesel, ethanol from nonfood sources, algae-based fuel, and other emerging fuel technologies; (3) review existing State energy and energy efficiency programs and their implementation and effectiveness; (4) review new energy and energy efficiency programs enacted during the 75th Session of the Nevada Legislature and their implementation and effectiveness; (5) receive input from interested parties and the public on ways existing and new programs can be further improved; (6) solicit recommendations for additional new programs for future legislative consideration and potential enactment; (7) review existing and emerging green technologies, including smart grid technology, and their suitability for deployment in Nevada, including consideration of obstacles to deployment and methods to eliminate or minimize those obstacles; and (8) review efforts to attract more green industries and jobs to Nevada and exploration of ways to expand existing green businesses and jobs in Nevada.

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

During its final meeting, the Committee adopted four recommendations for bill draft requests for consideration by the 2011 Legislature. The recommendations support enhanced energy efficiency in buildings leased by the State, tire pressure checks of vehicles during certain maintenance operations, increased renewable energy and energy efficiency options in new residential construction, increased continuing education in energy issues for real estate licensees, appraisers and mortgage brokers, and a biofuel mandate.

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

## SUMMARY OF RECOMMENDATIONS

### LEGISLATIVE COMMISSION'S COMMITTEE TO CONDUCT AN INTERIM STUDY ON THE PRODUCTION AND USE OF ENERGY

Senate Concurrent Resolution No. 19  
(File No. 99, *Statutes of Nevada 2009*)

Following is a summary of the recommendations adopted by the Legislative Commission's Committee to Conduct an Interim Study on the Production and Use of Energy at its final meeting on June 29, 2010, for transmittal to the 76th Session of the Nevada Legislature. During the drafting process, specific details of the following proposals for legislation may be further clarified by staff in consultation with the Chair or others, as appropriate. The corresponding BDR number follows each recommendation for legislation.

#### RECOMMENDATIONS TO DRAFT LEGISLATIVE MEASURES

1. Draft a bill amending Chapter 331 of *Nevada Revised Statutes* (NRS) to provide that the Chief of the Buildings and Grounds Division of the Department of Administration shall consider the energy efficiency characteristics and energy costs of prospective leased office rooms outside of State buildings for the use of State officers and employees before entering into or renewing a lease. To the extent practicable, the Chief shall only enter into leases for space that meet or exceed the minimum standards for the conservation of energy and energy efficiency in buildings established by the Nevada Energy Commissioner as provided in NRS 701.220. The Chief, in consultation with the State Public Works Board, shall consider the feasibility, practicability, and fiscal impact of constructing office space for State officers and employees instead of leasing such space, prior to entering into or renewing a lease. **(BDR 27-221)**
2. Draft a bill amending Chapter 445B of NRS requiring the Division of Environmental Protection, State Department of Conservation and Natural Resources, to adopt regulations implementing a program to require engine repair, oil change, and brake service companies to perform tire pressure checks as part of any service they perform. **(BDR 43-220)**
3. Draft a bill amending Chapter 624 of NRS requiring certain contractors to offer upgrades for renewable energy and energy efficiency; requiring certain contractors assisting buyers in obtaining financing to offer, or work with lenders that offer, energy efficient mortgages; requiring licensees of the Real Estate Division of the Department of Business and Industry to make certain information about energy efficiency in residential property available to each party to a real estate transaction; revising continuing education requirements relating to energy efficiency for real estate brokers, real estate broker-salespersons, real estate salespersons, mortgage brokers, and certified or licensed real estate appraisers; and providing other matters properly relating thereto. **(BDR 54-219)**

4. Draft a bill amending Chapter 366 of NRS requiring that all diesel fuel sold or offered in the State of Nevada must contain at least 5 percent biodiesel by volume, one year after in-state production volume of 30 million gallons of biodiesel has been reached and sustained for three months on an annualized basis. All diesel fuel sold or offered in the State of Nevada must contain at least 10 percent biodiesel by volume, one year after in-state production volume of 60 million gallons of biodiesel has been reached and sustained for three months on an annualized basis, provided vehicle manufacturers recognize engine warranties associated with the use of biodiesel blends of 10 percent or more; amending NRS 366.022 to more accurately comply with national standards by specifying that biodiesel is defined as mono-alkyl esters of long-chain fatty acids derived from vegetable oils or animal fats which conform to American Society for Testing and Materials D6751 specifications for use in diesel engines. Additionally, amending NRS 366.190 to include a distinct taxation definition for biodiesel. **(BDR 32-218)**

BULLETIN NO. 11-07

**LEGISLATIVE COMMISSION'S SUBCOMMITTEE  
TO STUDY EMPLOYEE MISCLASSIFICATION**

Senate Concurrent Resolution No. 26  
(File No. 100, *Statutes of Nevada 2009*)

**Members**

Senator Shirley A. Breeden, Chair  
Assemblywoman Bonnie Parnell, Vice Chair  
Fran Almaraz  
Yindra Dixon  
Warren Hardy

**Staff Contacts**

Research Division:  
Linda J. Eissmann, Principal Research Analyst  
Tracey Wineglass, Senior Research Secretary  
(775) 684-6825

Legal Division:  
Heidi A. Chlarson, Principal Deputy Legislative Counsel  
Darcy L. Johnson, Deputy Legislative Counsel  
(775) 684-6830



**Senate Concurrent Resolution No. 26**  
(File No. 100, *Statutes of Nevada 2009*)

Senate Concurrent Resolution No. 26–  
Senator Horsford

FILE NUMBER.....

SENATE CONCURRENT RESOLUTION—Providing for an  
interim study on employee misclassifications.

WHEREAS, Certain employers in Nevada may improperly classify persons they hire as “independent contractors,” when those workers should be classified legally as “employees”; and

WHEREAS, The practice of employee misclassification can be an attempt by some employers to avoid their legal obligations under federal and state labor, employment and tax laws, including the laws governing minimum wage, overtime, unemployment insurance, workers’ compensation insurance, temporary disability insurance, wage payment and federal income tax; and

WHEREAS, The practice of employee misclassification has serious adverse effects on the residents, businesses and economy of Nevada because this practice: (1) increases the uncertainty of collecting unemployment taxes; (2) unfairly shifts the tax burden to the overwhelming majority of Nevada employers who adhere to federal and state labor laws; (3) allows employers who misclassify their employees an unfair competitive advantage over law-abiding businesses; and (4) undermines fundamental laws intended to ensure employees receive legally required employment insurance, workers’ compensation and other workplace protections; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Legislative Commission is hereby directed to appoint an interim subcommittee to determine the scope of the problem of employee misclassification in this State, including ramifications in terms of economic losses for employees and lost revenues for this State and for local governments, proposals for state processes to identify employee misclassification, potential penalties for employers engaging in employee misclassification and legal recourse for affected employees; and be it further

RESOLVED, That the interim subcommittee must consist of five members as follows:

1. One member of the Senate;
2. One member of the Assembly;
3. One representative of management who works for an entity in the construction industry that has not signed an agreement with a labor union;
4. One representative from the construction industry who is a member of a labor union; and



5. One representative of the general public; and be it further  
RESOLVED, That the Legislative Commission shall submit a  
report of the results of the study and any recommendations for  
legislation to the 76th Session of the Nevada Legislature.



## ABSTRACT

### **LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY EMPLOYEE MISCLASSIFICATION**

Senate Concurrent Resolution No. 26  
(File No. 100, *Statutes of Nevada 2009*)

The 75th Session of the Nevada Legislature approved Senate Concurrent Resolution No. 26 (File No. 100, *Statutes of Nevada 2009*), creating the Legislative Commission's Subcommittee to Study Employee Misclassification.

The Subcommittee is directed to determine the scope of the problem of employee misclassification in Nevada, including: (1) the implications and scope of economic losses for employees and lost revenues for the State and local governments; (2) proposals for State processes to identify employee misclassification; (3) potential penalties for employers engaging in employee misclassification; and (4) legal recourse for affected employees.

The Subcommittee is comprised of five members: (1) one member of the Senate; (2) one member of the Assembly; (3) one representative of management who works for an entity in the construction industry that has not signed an agreement with a labor union; (4) one representative from the construction industry who is a member of a labor union; and (5) one representative of the general public.

The Subcommittee held three meetings, including a work session, during the 2009-2010 Interim. All meetings were open to the public and were videoconferenced between the Grant Sawyer State Office Building in Las Vegas, Nevada, and the Legislative Building in Carson City, Nevada.

Topics addressed this interim included:

- The impact on workers, employers, and various industries of intentionally misclassifying employees as independent contractors;
- Available data to determine the scope of the problem of worker misclassification in Nevada and the role of various State agencies in detecting and addressing employee misclassification;
- The impact of employee misclassification on State programs, policies, and revenue structures;
- Existing State law as it pertains to the misclassification of employees as independent contractors;

- Recent legislation, studies, and various reform activities to address employee misclassification and independent contractor issues in other states; and
- Federal efforts and programs aimed at curbing the misclassification of workers as independent contractors.

As a result of these hearings, the Subcommittee adopted five recommendations for bill draft requests to be considered by the 2011 Legislature. The recommendations would: (1) create a task force to coordinate State efforts intended to reduce employee misclassification; (2) expand the use of the three-part “ABC Test” in *Nevada Revised Statutes* 612.085 to other areas of employment law; (3) impose a civil penalty against anyone who advises an employer to misclassify employees as independent contractors; (4) provide for a private right of action for misclassified workers including reimbursement of legal expenses; and (5) implement a graduated penalty against employers who misclassify their workers.

## SUMMARY OF RECOMMENDATIONS

### LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY EMPLOYEE MISCLASSIFICATION

Senate Concurrent Resolution No. 26  
(File No. 100, *Statutes of Nevada 2009*)

The following is a summary of the recommendations approved during the 2009-2010 Interim by the Legislative Commission's Subcommittee to Study Employee Misclassification. The following bill draft requests (BDRs) will be submitted to the 76th Session of the Nevada Legislature in 2011.

#### BILL DRAFT REQUESTS

1. Draft legislation to create a Task Force on Employee Misclassification to ensure communication among member agencies, receive and review audits conducted by agencies concerning employees who are misclassified, create a structure for fees and penalties levied in the cases of employees misclassified as independent contractors, and make reports to the Legislature. **(BDR 53-164)**

Membership of the Task Force will be comprised of ten members, including five State agencies:

- Labor Commissioner or designee;
- Administrator of the Division of Industrial Relations (representing the Workers' Compensation Program), Department of Business and Industry, or designee;
- Administrator of the Employment Security Division, Department of Employment, Training and Rehabilitation, or designee;
- Executive Director of the Department of Taxation or designee; and
- Attorney General or designee;

and representatives of the following five groups:

- A large employer (more than 500 employees);
- A small employer (less than 500 employees);
- An independent contractor;

- A labor organization; and
- The general public.

The representatives of the five groups indicated will be appointed by the Legislative Commission from names submitted by the Majority Leader of the Senate, Minority Leader of the Senate, Speaker of the Assembly, Minority Leader of the Assembly, and the Governor.

2. Draft legislation to expand the use of the three-part “ABC Test” in *Nevada Revised Statutes* 612.085 (currently used for unemployment insurance and by extension for the Modified Business Tax) to include application for the purposes of workers’ compensation. The measure will also require inclusion of information concerning the difference between an employee and an independent contractor on State labor law posters posted in areas where work is performed or employees congregate. **(BDR 53–168)**
3. Draft legislation to impose a civil penalty against anyone who knowingly advises an employer to misclassify employees as independent contractors. **(BDR 53–167)**
4. Draft legislation to provide for a private right of action for workers who are misclassified and provide for reimbursement of legal expenses to the claimant by the employer. The private right of action becomes available to the worker after 120 days from the date a complaint is filed with the appropriate agency. **(BDR 53–166)**
5. Draft legislation to implement a fine on employers who misclassify their employees as independent contractors of \$5,000 per employee for the first offense, \$15,000 per employee for the second offense, and \$25,000 per employee and loss of ability to do business for a period of three years on the third offense. **(BDR 53–165)**

BULLETIN NO. 11-08

**LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY GROUP HOMES**

Assembly Bill 294  
(Chapter 298, *Statutes of Nevada 2009*)

**Members**

Assemblywoman Marilyn Kirkpatrick, Chair  
Senator Shirley A. Breeden  
Senator Allison Copening  
Senator David R. Parks  
Assemblyman Ty Cobb  
Assemblyman Harry Mortenson

**Staff Contacts**

Research Division:  
Michelle L. Van Geel, Principal Research Analyst  
Gayle Nadeau, Principal Research Secretary  
(775) 684-6825

Legal Division:  
M. Scott McKenna, Senior Principal Deputy Legislative Counsel  
Brenda J. Erdoes, Legislative Counsel  
(775) 684-6830



**Assembly Bill 294**  
(Chapter 298, *Statutes of Nevada 2009*)

Assembly Bill No. 294—Assemblymen Kirkpatrick; Anderson,  
Arberry, Atkinson, Christensen, Claborn, Conklin, Gansert,  
Kihuen, Mortenson, Munford, Parnell, Pierce, Segerblom,  
Smith, Spiegel and Stewart

CHAPTER.....

AN ACT relating to group homes; directing the Legislative  
Commission to conduct an interim study concerning group  
homes; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, the concept of requiring certain minimum distances between group homes was enacted initially in 1999, and the minimum distance was at that time set at 660 feet. (Chapter 619, Statutes of Nevada 1999, pp. 3365-66) In 2001, the minimum distance between group homes was altered to be a range of 660 feet to 1,500 feet. (Chapter 395, Statutes of Nevada 2001, pp. 1907-09) Most recently, the range of minimum distances between group homes was raised to be a range of 1,500 feet to 2,500 feet. (Chapter 297, Statutes of Nevada 2007, pp. 1131-33) However, at all relevant times, the applicable section specifying the distances between group homes (NRS 278.021, replaced in revision by NRS 278.02386) has stated that there is no presumption that the location of more than one group home within the specified distance or range is inappropriate under all circumstances.

On July 9, 2008, the United States District Court for the District of Nevada struck down the entirety of Nevada's "group home statute" (NRS 278.0238-278.02388), finding that it was facially discriminatory and therefore preempted by the Fair Housing Amendments Act, 42 U.S.C. §§ 3601-31. (*Nevada Fair Hous. Ctr., Inc. v. Clark County*, 565 F. Supp. 2d 1178, 1183 (D. Nev. 2008))

This bill directs the Legislative Commission to conduct an interim study concerning group homes. In relevant part, the committee appointed by the Legislative Commission to conduct the interim study must examine potential methods by which the siting of group homes may be monitored and regulated in a manner that is consistent with federal law.

---

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

**Section 1.** 1. The Legislative Commission shall appoint a committee to conduct an interim study concerning group homes.

2. The committee appointed by the Legislative Commission pursuant to subsection 1 must be composed of six Legislators as follows:

(a) Three members appointed by the Majority Leader of the Senate, at least one of whom must be appointed from the membership of the Senate Standing Committee on Government Affairs during the immediately preceding session of the Legislature; and



(b) Three members appointed by the Speaker of the Assembly, at least one of whom must be appointed from the membership of the Assembly Standing Committee on Government Affairs during the immediately preceding session of the Legislature.

3. The study must include, without limitation:

(a) Consideration of the applicable provisions of federal law.

(b) A survey of different mechanisms by which the siting of group homes may be regulated for the benefit of both the residents of the group homes and the residents of the surrounding community.

(c) Consideration of the concept of whether the definition of a group home may be broadened in such a manner that the term does not discriminate against persons with disabilities, either facially or in effect.

(d) An examination of methods by which other jurisdictions have regulated group homes in a manner that is consistent with federal law.

(e) Consideration of whether the licensing and regulation of group homes may be carried out most effectively at the local level.

(f) Insofar as is reasonably practicable, input from all parties having an interest in the licensing, regulation and siting of group homes, including, without limitation:

(1) Persons or entities, or both, who advocate on behalf of persons with disabilities or residents of group homes.

(2) Owners and operators of group homes.

(3) Residents of group homes.

(4) Residents of neighborhoods in which group homes are or may be located.

(5) Officers and representatives of state and local governmental agencies involved in the licensing, regulation or siting of group homes, or any combination of those activities.

(6) Officers and representatives of the United States Department of Housing and Urban Development.

(g) An examination of any other matter that the committee determines to be relevant to the study.

4. The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 76th Session of the Nevada Legislature.

5. As used in this section, "group home" means a residential establishment as defined in NRS 278.02384.

Sec. 2. This act becomes effective on July 1, 2009.



## ABSTRACT

### LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY GROUP HOMES

Assembly Bill 294  
(Chapter 298, *Statutes of Nevada 2009*)

The 2009 Nevada Legislature enacted Assembly Bill 294 (Chapter 298), which created the Legislative Commission's Committee to Study Group Homes. Under the provisions of A.B. 294, the Committee was directed to conduct an interim study concerning group homes, including, but not limited to:

1. Consideration of the applicable provisions of federal law;
2. Mechanisms by which the siting of group homes may be regulated for the benefit of both the residents of the group homes and the residents of the surrounding community;
3. Consideration of whether the definition of a group home may be broadened in such a manner that the term does not discriminate against persons with disabilities;
4. An examination of methods by which other jurisdictions have regulated group homes in a manner that is consistent with federal law;
5. Consideration of whether the licensing and regulation of group homes may be carried out most effectively at the local level; and
6. Insofar as is reasonably practicable, seek input from various parties having an interest in the licensing, regulation, and siting of group homes.

The Legislative Commission appointed six members to the Committee to Study Group Homes, and the Committee held a total of three meetings 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.

During its final meeting, the Committee adopted five recommendations for bill draft requests that will be considered by the 2011 Legislature. The recommendations address patient safety, increased penalties for noncompliance with licensing requirements, increased training, and clarifying definitions related to group homes. The Committee's final report will contain an overview of the study and a discussion of the Committee's recommendations.



## SUMMARY OF RECOMMENDATIONS

### LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY GROUP HOMES

Assembly Bill 294  
(Chapter 298, *Statutes of Nevada 2009*)

This summary presents the recommendations approved by the Legislative Commission's Committee to Study Group Homes at its final meeting on June 9, 2010. The following bill draft requests (BDRs) will be submitted to the 76th Session of the Nevada Legislature in 2011. During the drafting process, specific details of the following proposals for legislation may be further clarified by staff in consultation with the Chair or others, as appropriate. The corresponding BDR number follows each recommendation for legislation.

1. Draft legislation to require (rather than allow under current law) penalties for operating a group home without a license. The penalties would be \$10,000 for a first offense, \$25,000 for a second offense, and \$50,000 for a third or subsequent offense. **(BDR 40-671)**
2. Draft legislation to prohibit administrators and/or owners of group homes from handling patients' finances and/or legal affairs. The language will require that a third party handle such matters. The legislation will also prohibit the administrator and/or owner of a group home from being the beneficiary of a patient's life insurance or will. **(BDR 40-673)**
3. Draft legislation to require a referral form for all residents being referred to a licensed facility within the State. The legislation will specify that the form must be kept in the residents' files at the facility. **(BDR 40-674)**
4. Draft legislation to clarify definitions between the State and local governments relative to group home facilities. **(BDR 20-675)**
5. Draft legislation to establish a mechanism for reporting infractions at homes for juveniles. The legislation will also require training for personnel at homes for juveniles where infractions have been found. **(BDR 38-672)**



BULLETIN NO. 11-09

**LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY  
POWERS DELEGATED TO LOCAL GOVERNMENTS**

Senate Bill 264  
(Chapter 462, *Statutes of Nevada 2009*)

**Members**

Senator John J. Lee, Chair  
Assemblywoman Marilyn Kirkpatrick, Vice Chair  
Senator Terry Care  
Senator Mike McGinness  
Assemblyman Peter (Pete) J. Goicoechea  
Assemblyman Tick Segerblom

**Staff Contacts**

Research Division:  
Michael J. Stewart, Supervising Principal Research Analyst  
Jeanne Peyton, Senior Research Secretary  
(775) 684-6825

Legal Division:  
Heidi A. Charlson, Principal Deputy Legislative Counsel  
Natalee M. Binkholder, Deputy Legislative Counsel  
(775) 684-6830



**Senate Bill 264**  
(Chapter 462, *Statutes of Nevada 2009*)

Senate Bill No. 264—Senator Care

CHAPTER.....

AN ACT relating to local governmental administration; directing the Legislative Commission to conduct an interim study of the powers delegated to local governments; requiring the Legislative Commission to appoint an Interim Technical Advisory Committee for Intergovernmental Relations; providing for the administration and specifying the duties of the Interim Technical Advisory Committee; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

**Section 8** of this bill directs the Legislative Commission to conduct an interim study concerning the powers delegated to local governments, including the feasibility of increasing the powers of local governments related to taxation.

**Section 9** of this bill requires the Legislative Commission to appoint an Interim Technical Advisory Committee for Intergovernmental Relations, composed of six representatives of local governments and three representatives of state agencies. The purpose of the committee is to foster communication and cooperation among the State Government and local governments. The Committee is charged with serving as a forum for discussion among governments, engaging in activities and conducting studies on issues relating to state and local governments, and reporting to the interim committee appointed pursuant to **section 8** of this bill.

---

WHEREAS, In 1868, Judge John F. Dillon of the Iowa Supreme Court established in *Merriam v. Moody's Executors*, 25 Iowa 163 (1868), a common law rule of statutory interpretation known as Dillon's Rule, which limits the powers of local governments; and

WHEREAS, Under Dillon's Rule, a local government possesses and can exercise only those powers which are: (1) granted in express words; (2) necessarily or fairly implied in or incident to the powers expressly granted; or (3) essential to the accomplishment of the declared objects and purposes of the local government and which are not simply convenient, but indispensable; and

WHEREAS, The Nevada Supreme Court has cited Dillon's Rule in several opinions; and

WHEREAS, Allowing greater autonomy for local governments in this State may promote more efficient use of limited governmental resources; now, therefore,



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

Sections 1-7. (Deleted by amendment.)

Sec. 8. 1. The Legislative Commission shall appoint an interim committee to conduct a study of the powers of local governments in this State. The study must include, without limitation:

(a) An examination of:

(1) The structure, formation, function and powers of local governments in this State;

(2) The potential fiscal impact in this State resulting from abolishing Dillon's Rule;

(3) The feasibility of increasing the powers of local governments in this State; and

~~†(4)~~ (4) The experiences of states that have rejected Dillon's Rule ~~†~~; and

*(b) The consideration of any recommendations submitted to the interim committee pursuant to section 9 of this act.*

2. The interim committee must be composed of six Legislators, one of whom must be appointed as Chairman of the committee, as follows:

(a) The Chairman of the Senate Standing Committee on Government Affairs;

(b) The Chairman of the Assembly Standing Committee on Government Affairs;

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

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

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

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

3. To assist with the study, the Chairman of the interim committee may appoint a technical advisory committee consisting of representatives of local governments in this State, who serve without salary, but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

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



5. On or before February 1, 2011, the Legislative Commission shall submit a report of the results of the study conducted pursuant to this section and any recommendation for legislation to the Director of the Legislative Counsel Bureau for transmission to the 76th Session of the Nevada Legislature.

Sec. 9. 1. The Legislative Commission shall, as soon as practicable after July 1, 2009, appoint an Interim Technical Advisory Committee for Intergovernmental Relations, consisting of:

- (a) Six representative of local governments in this State; and
- (b) Three representatives of agencies of this State.

2. The purpose of the Interim Technical Advisory Committee is to foster effective communication, cooperation and partnerships among the State Government and local governments to improve the provision of governmental services to the people of this State.

3. The Interim Technical Advisory Committee shall elect from among its membership and by majority vote a Chairman and Vice Chairman.

4. The Interim Technical Advisory Committee shall meet at least once every 3 months and at such additional times as may be deemed necessary by the Chairman. A majority of the members of the Committee 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 committee.

5. Each member of the Interim Technical Advisory Committee who is an officer or employee of the State or a local government must be relieved from his duties without loss of his regular compensation so that he may prepare for and attend meetings of the Committee and perform any work necessary to accomplish the work of the Committee in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Committee to make up the time he is absent from work to fulfill his obligations as a member, nor shall it require the member to take annual vacation or compensatory time for the absence. Such a member shall serve on the Committee without additional compensation, except that while he is engaged in the business of the Committee, he is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally, which must be paid by the state agency or local government which employs him.

6. The Nevada Association of Counties and the Nevada League of Cities and Municipalities shall provide the Interim Technical Advisory Committee with administrative support.



7. The Interim Technical Advisory Committee shall:

(a) Serve as a forum for the discussion and resolution of intergovernmental problems among the State Government and local governments;

(b) Engage in activities and conduct studies relating to, without limitation:

(1) The structure of local governments;

(2) The functions and powers, including, without limitation, fiscal powers, of local governments;

(3) Relationships among the State Government and local governments;

(4) The allocation of state and local resources; and

(5) Any appropriate legislation to be recommended to the interim committee appointed pursuant to section 8 of this act; and

(c) On or before June 1, 2010, submit to the interim committee appointed pursuant to section 8 of this act:

(1) A recommendation regarding the need for a permanent Nevada Advisory Commission on Intergovernmental Relations; and

(2) Any other recommendations for appropriate legislation resulting from any reviews or studies conducted by the Interim Technical Advisory Committee.

8. As used in this section:

(a) "Agency" has the meaning ascribed to it in NRS 233B.031.

(b) "Local government" has the meaning ascribed to it in NRS 354.474.

Sec. 10. 1. This act becomes effective on July 1, 2009.

2. Section 9 of this act expires by limitation on June 30, 2011.



## ABSTRACT

### LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY POWERS DELEGATED TO LOCAL GOVERNMENTS

Senate Bill 264

(Chapter 462, *Statutes of Nevada 2009*)

The 2009 Nevada Legislature enacted Senate Bill 264 (Chapter 462, *Statutes of Nevada*), which creates the Legislative Commission's Committee to Study Powers Delegated to Local Governments. The Committee was charged with examining the structure, formation, functions, and powers of local governments in the State of Nevada. In addition, the study was directed, among other things, to: (1) discuss the feasibility of increasing the powers of local governments; (2) evaluate the fiscal impact to the State of making such changes; and (3) review the experiences of states that have rejected "Dillon's Rule" under which local governments are unable to exercise powers that are not expressly granted to them.

The Legislative Commission appointed six members to the Committee to Study Powers Delegated to Local Governments and the Committee held a total of three meetings during the course of the study. The Committee received numerous reports and presentations concerning: (1) "Home Rule" and the general powers of State and local government; (2) the activities of the Interim Technical Advisory Committee for Intergovernmental Relations (ACIR); (3) local elected official salaries; (4) city charters and the possible use of charters for counties; (5) parity and lack of parity between counties and cities in Nevada; (6) county/city consolidation efforts; and (7) naming rights for local governments.

Senate Bill 264 also provides for the appointment of an ACIR consisting of six local government representatives and three representatives of State agencies. The purpose of the ACIR is to foster effective communication, cooperation, and partnerships among State and local government in Nevada with the goal of working to improve the delivery of government services to all Nevadans. The ACIR serves as a forum for the discussion and resolution of intergovernmental challenges and shall engage in numerous activities and conduct studies relating to: (1) local government structure; (2) the various powers of local governments; (3) State and local government relationships; and (4) the allocation of resources at the State and local levels. As required in Section 9 of S.B. 264, on June 1, 2010, the ACIR also submitted a report and recommendations to the Committee to Study Powers Delegated to Local Governments. The ACIR will continue to meet periodically until it expires pursuant to S.B. 264 on June 30, 2011.

During its final meeting and work session, the Committee to Study Powers Delegated to Local Governments adopted four recommendations for legislation to be considered by the 2011 Legislature. These recommendations address certain powers granted to local governments, salaries for elected county officials, naming rights, and the creation of the Nevada Advisory Committee on Intergovernmental Relations. The Committee's final report contains an overview of the study and a discussion of the Committee's recommendations.



## SUMMARY OF RECOMMENDATIONS

### LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY POWERS DELEGATED TO LOCAL GOVERNMENTS

Senate Bill 264  
(Chapter 462, *Statutes of Nevada 2009*)

This summary presents the recommendations approved by the Legislative Commission's Committee to Study Powers Delegated to Local Governments at its final meeting held on June 23, 2010, in Las Vegas, Nevada. The following bill draft requests (BDRs) will be submitted to the 76th Session of the Nevada Legislature in 2011.

#### RECOMMENDATIONS FOR LEGISLATIVE MEASURES

1. Enact legislation establishing the Nevada Advisory Committee on Intergovernmental Relations. The legislation shall set forth the membership, powers, duties, and reporting requirements of the Nevada Advisory Committee on Intergovernmental Relations. In its June 1, 2010, report to the Committee to Study Powers Delegated to Local Governments, the Interim Technical Advisory Committee for Intergovernmental Relations (ACIR) made a recommendation for the establishment of this permanent advisory committee. **(BDR 19–169)**
2. Enact legislation specifying that a county or city may perform acts or duties that are not prohibited or limited by statute in order to perform the powers conferred to the county or city. **(BDR 20–170)**

**Note:** During discussion on this recommendation, the Committee noted that the State of Indiana's laws and similar provisions in other states (notably the State of Oregon) may provide a suitable model for legislation addressing the granting of certain powers to local governments. Specifically, *Indiana Code* 36-1-3-6 notes that "if there is a constitutional or statutory provision requiring a specific manner for exercising a power, a unit wanting to exercise the power must do so in that manner." This provision goes on to stipulate that if there is *no* constitutional or statutory provision addressing a particular power, the county or city must adopt, in a manner provided by law, an ordinance prescribing the specific method for exercising that power. *Indiana Code* 36-1-3-8 also lists powers to be withheld from local government control. These include the power to: (a) limit civil liability; (b) impose duties on another political subdivision; (c) impose a tax, unless expressly granted by statute; (d) impose certain license or user fees or service charges; and (e) prescribe criminal penalties and certain criminal fines.

3. Enact legislation authorizing the board of county commissioners of any county or the governing body of any city in Nevada to adopt, by ordinance, procedures for the sale of the naming rights to a park, recreational facility, or other public facility that is owned by the county or city, as well as naming rights for events that may take place at such facilities. **(BDR 28-172)**
4. Reserve a BDR concerning the salaries of elected county officers, which may include amending provisions in Chapter 245 of *Nevada Revised Statutes* (NRS) and other related laws addressing such salaries and/or creating a salary commission or salary compensation task force. **(BDR -173)**

### **RECOMMENDATIONS FOR COMMITTEE LETTERS AND STATEMENTS**

5. Send a Committee letter to the Nevada Association of Counties (NACO) and the Nevada League of Cities and Municipalities (NLCM) for distribution to each county and city in Nevada urging their respective governing boards and other local policy boards to hold more evening meetings to allow greater participation by the public and elected lawmakers.
6. Send a Committee letter to each mayor and chair of a city council of a city in Nevada that operates under a charter and encourage them, if not already practiced, to seek input from the public (through public hearings and outreach activities) regarding suggested charter amendments and consider the creation of a charter committee designed to evaluate potential charter amendments.
7. Send a Committee letter to the chair, vice chair, and members of the ACIR requesting that the ACIR consider and discuss the issues raised in a letter presented to the Committee to Study Powers Delegated to Local Governments during its work session on June 23, 2010. The letter specifically requests that the Legislature consider: (a) removing provisions in Chapter 269 of NRS relating to the appointment of members of Town Advisory Boards and instead provide for their election; (b) authorizing counties to elect a “county mayor” to serve as the presiding officer of the Board of County Commissioners and “be the public face of the county”; and (c) changing the name of Town Boards to Town Councils in an effort to better distinguish Town Boards from Town Advisory Boards. The letter should be copied to NACO, NLCM, and the Board of County Commissioners for Clark County.
8. Include a statement in the final report expressing appreciation to the members of the ACIR, NACO, and NLCM for their efforts throughout the legislative interim in assisting the Committee to Study Powers Delegated to Local Governments. Encourage their continued input and examination of local government powers and home rule during the remainder of the 2009–2010 Interim and during the 2011 Legislative Session.

BULLETIN NO. 11-10

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

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

**Members**

Assemblyman David P. Bobzien, Chair  
Senator John J. Lee, Vice Chair  
Senator Mark E. Amodei  
Senator Bernice Mathews  
Assemblyman Bernie Anderson  
Assemblyman Don Gustavson

**Alternate Member**

Senator Maurice E. Washington

**Staff Contacts**

Research Division:  
Patrick Guinan, Senior Research Analyst  
Susan M. Young, Senior Administrative Assistant  
(775) 684-6825

Legal Division:  
Eileen G. O'Grady, Chief Deputy Legislative Counsel  
(775) 684-6830



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

Senate Bill No. 487—Committee on Natural Resources

CHAPTER.....

AN ACT relating to water, providing for the regional management and conservation of water resources in certain portions of Washoe County; creating the Western Regional Water Commission; setting forth the powers and duties of the Western Regional Water Commission; creating the Northern Nevada Water Planning Commission to advise and assist the Western Regional Water Commission; repealing certain provisions relating to regional planning and management of water in certain counties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing general law provides for regional planning and management of water by a water planning commission in counties whose population is 100,000 or more but less than 400,000 (currently Washoe County). Under that general law, a board of county commissioners is required to adopt a comprehensive plan for the supply of municipal and industrial water, quality of water, sanitary sewerage, treatment of sewage, drainage of storm water and control of floods and is required to take action by a two-thirds majority. This general law also provides for a water planning commission, which reports to and advises the board of county commissioners concerning issues relating to water resources. (NRS 540A.010-540A.310)

This bill repeals various provisions of that general law and creates by special legislation a new structure for regional planning of water resources in certain portions of Washoe County based on the unique conditions and circumstances existing in those areas. Under the Nevada Constitution, the Legislature may pass a special or local law if the subject matter of the law does not fall within one of certain enumerated categories and a general law cannot be made applicable because of special circumstances and conditions. (Nev. Const. Art. 4, §§ 20, 21) **Section 4** of this bill specifies the unique conditions and circumstances in these portions of Washoe County that justify special legislation for the purpose of regional planning and management of water resources.

**Sections 23 and 25-28** of this bill create the Western Regional Water Commission (Regional Water Commission), which is governed by a Board of Trustees consisting of representatives of various public entities and interests. **Sections 36-41** of this bill create the Northern Nevada Water Planning Commission (Water Planning Commission), which reports to and advises the Board of Trustees of the Regional Water Commission.

**Section 24** of this bill authorizes the City of Reno, City of Sparks, Washoe County, Sun Valley General Improvement District, South Truckee Meadows General Improvement District and Truckee Meadows Water Authority to provide certain additional power and duties to the Regional Water Commission by cooperative agreement. The cooperative agreement must be entered into before April 1, 2008.

**Sections 34-52** of this bill require the development and adoption of a comprehensive plan for the area over which the Regional Water Commission has jurisdiction, which must address the supply of municipal and industrial water, quality of water, sanitary sewerage, treatment of sewage, drainage of storm water and control of floods. **Sections 30-35** of this bill authorize the Board of Trustees to:



(1) plan for the implementation of a mechanism for scheduling the delivery of water supplies held by certain water purveyors before April 1, 2008; (2) develop a plan for the establishment of service territories by which those purveyors may provide new water service provided on and after April 1, 2008, if each of the public purveyors agree to the plan; (3) impose a fee for the planning and administration of certain activities; and (4) plan for water conservation by various means.

**Section 56** of this bill creates a temporary statutory legislative committee to oversee the programs and activities of the Regional Water Commission.

---

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

**Section 1.** NRS 533.550 is hereby amended to read as follows:

533.550 1. Notwithstanding any other provision of law, a public body shall not sell or lease for a term of more than 5 years a water right owned by the public body unless the public body, after holding at least one public hearing at which public comment was solicited, has issued written findings that:

(a) The sale or lease of the water right is consistent with the prudent, long-term management of the water resources within the jurisdiction of the public body;

(b) The sale or lease of the water right will not deprive residents and businesses within the jurisdiction of the public body of reasonable access to water resources for growth and development;

(c) The sale or lease of the water right is a reasonable means of promoting development and use of the water right; and

(d) The means by which the water right is sold or leased reasonably ensures that the public body will receive the actual value of the water right or comparable economic benefits.

2. As used in this section, "public body" means the State or a county, city, town, school district or any public agency of this State or its political subdivisions. The term does not include a water district organized pursuant to a special act of the Legislature or a water authority organized as a political subdivision created by a cooperative agreement ~~+~~ or created by a special act of the Legislature.

**Sec. 2.** NRS 540A.010 is hereby amended to read as follows:

540A.010 As used in this chapter, unless the context otherwise requires:

1. "Board" means the board of county commissioners.

2. "Commission" means the ~~water planning commission~~ Northern Nevada Water Planning Commission created by ~~NRS 540A.080~~ section 36 of this Act.



3. "Comprehensive plan" or "plan" means the plan developed ~~[pursuant to NRS 540A.130.]~~ *by a regional water commission created by special act.*

4. "Division" means the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

Sec. 3. Sections 3 to 53, inclusive, of this Act may be cited as the Western Regional Water Commission Act.

Sec. 4. 1. The Legislature hereby finds that:

(a) The provisions of section 22 of this Act describe a hydrologically unique area which is distinguished by the presence of Lake Tahoe and the Truckee River, a water system which is governed by a unique combination of state and federal law, by federal decree and by the Truckee River Operating Agreement; and

(b) The unique hydrological conditions of the area described in section 22 of this Act and the complex legal framework governing the use of water within that area are special circumstances and conditions to which a general law cannot be made applicable and necessitate this special Act which provides for a special structure for the coordinated planning and management of water resources in that area.

2. It is hereby declared as a matter of legislative determination that:

(a) The organization of the Western Regional Water Commission having the purposes, powers, rights, privileges and immunities provided in this Act will serve a public use and will promote the general welfare by facilitating unified and cooperative efforts to secure and develop additional water supplies, maintain and cooperatively establish policies for managing existing water resources and water supplies, provide for integrated regional water resources and management of water supplies, provide for integration of efforts to manage storm water, provide for protection of watersheds and provide for regional conservation efforts, subject to and in accordance with the Truckee River Operating Agreement.

(b) The planning for the acquisition, development, management and conservation of regional water supplies and any associated facilities by the Regional Water Commission is for a public and governmental purpose and a matter of public necessity.

(c) The geographical boundaries of the Regional Water Commission are within the area described in section 22 of this Act.

(d) The Regional Water Commission shall, in carrying out the provisions of this Act:

(1) Make full use of any available resources for sustainability, economic viability and maintenance of environmental values;



(2) Communicate the decisions and policies of the Regional Water Commission in an effective manner;

(3) Provide for a centralized system of decision making;

(4) Facilitate the effective coordination of land use and resource planning;

(5) Facilitate the effective and efficient planning, management and operation of facilities; and

(6) Plan for the effective stewardship of water resources, including, without limitation, ensuring the quantity and quality of surface water and groundwater and the control point and nonpoint sources of pollution.

(e) For the accomplishment of the purposes stated in this subsection, the provisions of this Act shall be broadly construed.

Sec. 5. As used in this Act, unless the context otherwise requires, the words and terms defined in sections 6 to 21, inclusive, of this Act have the meanings ascribed to them in those sections.

Sec. 6. "Board of Trustees" or "Board" means the Board of Trustees of the Regional Water Commission.

Sec. 7. "City of Reno" means the municipal corporation in Washoe County, created and existing pursuant to the provisions of chapter 662, Statutes of Nevada 1971, as amended.

Sec. 8. "City of Sparks" means the municipal corporation in Washoe County, created and existing pursuant to the provisions of chapter 470, Statutes of Nevada 1975, as amended.

Sec. 9. "Comprehensive Plan" means the plan developed pursuant to sections 34 to 52, inclusive, of this Act.

Sec. 10. "Division" means the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

Sec. 11. "Facilities" means any facility necessary for the beneficial use of water supplies, including, without limitation, any diversion, dam, reservoir, other water storage facility for the water supplies, water conveyance, well, pump, treatment facility, storage tank, pipe, turnout and any other facility required to provide water services or to provide for the conservation of water or enhanced control of floods.

Sec. 12. "Planning area" means the area described in section 22 of this Act.

Sec. 13. "Public purveyor" means:

1. The Truckee Meadows Water Authority, or its successor;

2. The Washoe County Department of Water Resources, or its successor;

3. The South Truckee Meadows General Improvement District, or its successor;



4. The Sun Valley General Improvement District, or its successor; or

5. Any other governmental entity engaged in the retail delivery of potable water in the planning area.

Sec. 14. "Regional Water Commission" means the Western Regional Water Commission created pursuant to section 23 of this Act.

Sec. 15. "Truckee Meadows Water Authority" means the political subdivision of the State of Nevada created by a cooperative agreement effective December 4, 2000, pursuant to the provisions of NRS 277.080 to 277.180, inclusive.

Sec. 16. "Truckee River Operating Agreement" means all agreements relating to the implementation of Public Law 101-618, 104 Stat. 3324, as amended, including, without limitation, the Operating Agreement referenced in section 205(a) of Public Law 101-618, 104 Stat. 3324, as amended, whether entered into before, on or after April 1, 2008, to which the Truckee Meadows Water Authority, its predecessor or its successor, if any, is a party.

Sec. 17. "Washoe County" means the county created by and described in NRS 243.340.

Sec. 18. "Water Planning Commission" means the Northern Nevada Water Planning Commission created pursuant to section 36 of this Act.

Sec. 19. "Water Quality Settlement Agreement" means the Agreement entered into on October 10, 1996, by the City of Reno, the City of Sparks, Washoe County, the United States Department of the Interior, the United States Department of Justice, the United States Environmental Protection Agency, the Division and the Pyramid Lake Paiute Tribe, and any agreements entered into to implement that Agreement including, without limitation, any applicable provisions of the Truckee River Operating Agreement.

Sec. 20. "Water right" means any entitlement to the beneficial use of surface water or groundwater supplies, including, without limitation, an entitlement that exists by contract, by interest in real property, by decree or by rights granted or recognized by the State of Nevada, the State of California or any other governmental agency.

Sec. 21. "Water supplies" means surface water, groundwater, wastewater or effluent capable of being put to beneficial use.

Sec. 22. 1. The planning area in which plans for the use, management and conservation of water are to be made, pursuant to this Act, is the entire area within the boundaries of Washoe County except:



(a) Any land within the region defined by NRS 277.200, the Tahoe Regional Planning Compact;

(b) Land located within any Indian reservation or Indian colony which is held in trust by the United States;

(c) Land located within the Gerlach General Improvement District or its successor created pursuant to chapter 318 of NRS;

(d) Land located within the following administrative groundwater basins established by the United States Geological Survey and the Division of Water Resources of the State Department of Conservation and Natural Resources:

(1) Basin 22 (San Emidio Desert);

(2) Basin 23 (Granite Basin); and

(3) Basin 24 (Hualapai Flat); and

(e) Any land excluded by the Board pursuant to subsection 2 and not otherwise included pursuant to subsection 3.

2. The Board may exclude from the planning area any land which it determines is unsuitable for inclusion because of its remoteness from the water supplies which are the subject of the Comprehensive Plan or because it lies within a separate hydrologic basin neither affecting nor affected by conditions within the remainder of the planning area.

3. The Board may include within the planning area any land otherwise excluded pursuant to subsection 2 if it finds that the land requires alleviation of the effect of flooding or drainage of storm waters or requires another benefit from planning or management performed in the planning area.

Sec. 23. 1. The Western Regional Water Commission is hereby created. The Regional Water Commission is a body corporate and politic and a municipal corporation.

2. The property and revenues of the Regional Water Commission, any interest of any creditor therein and any possessory interest in or right to use that property which the Regional Water Commission may grant are exempt from all state, county and municipal taxation.

Sec. 24. By entering into a cooperative agreement pursuant to NRS 277.080 to 277.180, inclusive, the City of Reno, City of Sparks, Washoe County, Sun Valley General Improvement District, South Truckee Meadows General Improvement District and Truckee Meadows Water Authority may jointly authorize the Regional Water Commission to exercise such powers, privileges or authority that each of those entities may individually exercise pursuant to the laws of this State which are not inconsistent with the provisions of this Act.



Sec. 25. 1. The Regional Water Commission must be directed and governed by a Board of Trustees composed of the following nine members appointed pursuant to this section:

- (a) Two members of the City Council of the City of Reno;
- (b) Two members of the City Council of the City of Sparks;
- (c) Two members of the Board of County Commissioners of Washoe County;
- (d) One member representing the Truckee Meadows Water Reclamation Facility or its successor;
- (e) One member designated by the Board of Trustees of the South Truckee Meadows General Improvement District or its successor; and
- (f) One member of the Board of Trustees of the Sun Valley General Improvement District or its successor.

2. The City Council of the City of Reno, the City Council of the City of Sparks and the Board of County Commissioners of Washoe County shall each appoint one trustee from their membership for an initial term of 2 years.

3. The Board of Directors of the Truckee Meadows Water Authority or its successor shall appoint from its membership, for initial terms of 3 years:

- (a) One trustee who is a member of the City Council of the City of Reno;
- (b) One trustee who is a member of the City Council of the City of Sparks; and
- (c) One trustee who is a member of the Board of County Commissioners of Washoe County.

↪ The trustees appointed pursuant to this subsection must be different persons than those appointed pursuant to subsection 2.

4. The Board of Trustees of the Sun Valley General Improvement District or its successor and the Board of Trustees of the South Truckee Meadows General Improvement District or its successor shall each appoint one trustee from its membership for an initial term of 3 years.

5. The owners of the Truckee Meadows Water Reclamation Facility or its successor shall jointly appoint one trustee for an initial term of 2 years.

6. After the initial terms, each trustee who is appointed to the Board serves for a term of 2 years. A trustee may be reappointed.

7. All trustees must be elected officials. No trustee may serve beyond his term of office.

8. The position of a trustee must be considered vacated upon his loss of any of the qualifications required for his appointment,



and in such event, the appointing authority shall appoint a successor to fill the remainder of the unexpired term.

**Sec. 26.** Each member of the Board shall file with the County Clerk of Washoe County:

1. His oath of office.

2. A corporate surety bond furnished at the Regional Water Commission's expense, in an amount not to exceed \$5,000, and conditioned for the faithful performance of his duties as a member of the Board.

**Sec. 27.** 1. The Board shall elect one of its members as Chairman and one of its members as Vice Chairman, and shall elect a Secretary and a Treasurer, who may be members of the Board. The Secretary and the Treasurer may be the same person. The terms of the officers expire on December 31 of each year.

2. The Secretary shall keep audio recordings or transcripts of all meetings of the Board and, in a well-bound book, a record of all the proceedings of the Board, minutes of all meetings, certificates, contracts, bonds given by employees and all other acts of the Board. Except as otherwise provided in NRS 241.035, the minute book, audio recordings, transcripts and records must be open to the inspection of all interested persons, at all reasonable times and places.

3. The Treasurer shall keep, in permanent records, strict and accurate accounts of all money received by and disbursed for and on behalf of the Board and the Regional Water Commission.

**Sec. 28.** 1. The Board shall meet regularly at a time and in a place to be designated by the Board. The Board shall provide for the calling of a special meeting when action is required before a regular meeting would occur.

2. Except as otherwise provided in this subsection, a majority of the members of the Board constitutes a quorum at any meeting. Each motion and resolution of the Board must be adopted by at least a majority of the members present at the meeting.

**Sec. 29.** The Regional Water Commission is a public employer within the meaning of NRS 286.070, and the provisions of chapter 286 of NRS apply to the Regional Water Commission and its employees.

**Sec. 30.** The Regional Water Commission may do all things necessary to accomplish the purposes of this Act. The Regional Water Commission has perpetual succession and, except as otherwise provided in sections 33 of this Act, has the following powers to:

1. Sue and be sued.



2. Enter into agreements with Washoe County, the Cities of Reno and Sparks, and any public purveyor.

3. Prepare, adopt, update and oversee the implementation of the Comprehensive Plan pursuant to sections 34 to 52, inclusive, of this Act.

4. Plan for the implementation of a mechanism for:

(a) Scheduling the delivery of water supplies held by public purveyors to maximize the yield of regional water supplies and facilitate the cooperative administration of regional water conveyance and treatment facilities for the benefit of the public purveyors.

(b) Maximizing conjunctive use by the public purveyors. As used in this paragraph, "conjunctive use" means the combined use of surface water and groundwater systems to optimize resource use.

5. Prepare, adopt and update a water conservation plan for the use of municipal, industrial and domestic water supplies within the planning area, and make recommendations for water conservation agreements among water purveyors and local governmental entities.

6. Study and recommend to the Board of County Commissioners of Washoe County, the City Council of the City of Reno and the City Council of the City of Sparks ordinances for the implementation of a water conservation plan adopted pursuant to subsection 5 and the Comprehensive Plan.

7. Contract with public purveyors or any other public entity for the provision of services to or by the Regional Water Commission and, in the performance of its functions, use the officers, agents, employees, services, facilities, records and equipment of any public purveyor, Washoe County, the City of Reno or the City of Sparks, with the consent of the respective public purveyor or governmental entity, and subject to such terms and conditions as may be agreed upon.

8. Employ or contract with such persons as it deems necessary and hire and retain officers, agents and employees, including fiscal advisers, engineers, attorneys or other professional or specialized personnel.

9. Seek, apply for and otherwise solicit and receive from any source, public or private, such contributions, gifts, grants, devises and bequests of money and personal property, or any combination thereof, as the Regional Water Commission determines is necessary or convenient for the exercise of any of its powers.

10. Participate with relevant agencies of the United States, the State of Nevada and other entities on issues concerning the supply of water.



11. Adopt such rules and regulations for the conduct of the affairs of the Regional Water Commission or of the Board as the Board may deem necessary or desirable.

12. Perform such other functions conferred on the Regional Water Commission by the provisions of this Act.

**Sec. 31.** The Board may develop a plan for the establishment of service territories within the planning area in which the public purveyors and all systems for the supply of water which are controlled or operated by the public purveyors may, on and after April 1, 2008, provide new retail or wholesale water services to new customers. A plan developed pursuant to this section does not apply to any public purveyor unless each public purveyor agrees to the provisions of the plan. The provisions of this section do not affect the ability of public purveyors to continue to provide retail and wholesale water services to customers who received that type of service before April 1, 2008, or pursuant to agreements for water service existing before April 1, 2008. In developing the plan, the Board shall:

1. Seek to ensure the coordination of the delivery of water at the lowest reasonable cost, considering all the facilities, improvement and operations required to provide that water as measured by the net present value of those facilities, improvements and operations existing at the time of the determination, generally using current dollars;

2. Seek to ensure that existing or future customers are not affected inequitably;

3. Seek to provide for the most effective management, development and integration of systems for the efficient use of water supplies and associated facilities; and

4. Consider:

(a) Any specific planning conducted by public purveyors before April 1, 2008, for existing or new customers;

(b) The topography of the service territories and the readiness and ability of public purveyors to serve customers with existing facilities;

(c) Any policies for land use that affect the service territories; and

(d) The rate of growth within the service territories projected over a reasonable period.

**Sec. 32.** The Board has and may exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this Act. Such specific powers are not a limitation upon any power necessary or appropriate to carry out the purposes and intent of this Act.



Sec. 33. Notwithstanding the provisions of this Act, the Truckee Meadows Water Authority or its successor is and shall remain the entity with the sole and exclusive power and authority to negotiate and execute and to implement its obligations under that Agreement, as the successor in interest to Sierra Pacific Power Company. All water supplies provided or available to the Truckee Meadows Water Authority or its successor pursuant to the Truckee River Operating Agreement must be considered as acquired before April 1, 2008, and must be managed, scheduled and operated in accordance with that Agreement. Nothing in this Act alters the rights and obligations of the Water Quality Settlement Agreement, and all water supplies must be managed, scheduled and operated in accordance with the Water Quality Settlement Agreement.

Sec. 34. The Board may, upon the recommendation of the Water Planning Commission:

1. Adopt and revise the Comprehensive Plan;
2. Make recommendations concerning methods for conserving existing water supplies which are consistent with any other plans required by law;
3. Make recommendations concerning methods of collecting and treating sewage to protect and conserve water supplies;
4. Provide information to members of the public regarding present and potential uses of water; and
5. Make recommendations concerning the management and use of water within the planning area to:
  - (a) The governing body and the Planning Commission of Washoe County and the Cities of Reno and Sparks;
  - (b) The Governing Board for Regional Planning and the Regional Planning Commission established in Washoe County pursuant to NRS 278.0264 and 278.0262, respectively;
  - (c) The State Engineer;
  - (d) The Federal Government; and
  - (e) Such other entities as the Board deems appropriate.

Sec. 35. 1. To fund the planning and administration required by this Act and the implementation of the Comprehensive Plan, the Board may impose a fee at a rate not to exceed 1.5 percent of the amount otherwise billed, to be collected by each public purveyor and supplier of water from customers within the planning area. If the Board determines to impose such a fee, the Board must impose the fee by resolution after holding a hearing.

2. A public purveyor or supplier of water must state separately on its billings to customers the amount charged as a result of any fee imposed pursuant to subsection 1.



Sec. 36. 1. The Northern Nevada Water Planning Commission is hereby created in the planning area. The Water Planning Commission must consist of the following voting members who are residents of Nevada:

(a) The Director of Public Works for the City of Reno, or his designee;

(b) The Director of Public Works for the City of Sparks, or his designee;

(c) The Director of Water Resources for Washoe County, or his designee;

(d) A member of the South Truckee Meadows General Improvement District or its successor;

(e) The General Manager of the Sun Valley General Improvement District or its successor, or his designee;

(f) The General Manager of the Truckee Meadows Water Authority or its successor, or his designee;

(g) The General Manager of the Truckee Meadows Wastewater Reclamation Facility or its successor, or his designee;

(h) One member appointed by the governing body of the Indian reservation which is the largest in area in the planning area, if the planning area contains an Indian reservation, or, if there is not an Indian reservation located within the planning area or the governing body of the reservation does not appoint a member, one member appointed by the Board to represent the public at large;

(i) One member of the public at large appointed by the Board to represent environmental, biological, conservation or public concerns;

(j) One member appointed by the Board to represent owners of domestic wells;

(k) One member appointed by the Board of Supervisors of the Washoe Storey Conservation District or its successor; and

(l) Such additional members with expertise in any area that the Board determines is necessary, appointed by the Board.

➤ The terms of the ex officio members described in paragraphs (a) to (g), inclusive, are concurrent with the employment of those members in the respective positions specified in those paragraphs. The members appointed pursuant to paragraphs (h) to (l), inclusive, serve initial terms of 2 years.

2. After the initial terms, the term of office of each member appointed pursuant to paragraphs (h) to (l), inclusive, of subsection 1 is 3 years. A member may be reappointed. A vacancy must be filled for the unexpired term by the appointing entity.

Sec. 37. In addition to the voting members, the Water Planning Commission includes the following nonvoting members:



1. One member appointed by the Public Utilities Commission of Nevada;
2. One member appointed by the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General;
3. One member appointed by the Administrator of the Division;
4. One member appointed by the State Engineer;
5. One member appointed by the Chief of the Water Planning Section of the Division of Water Resources of the State Department of Conservation and Natural Resources;
6. One member appointed by the board of directors of the water conservancy district which is largest in area in the planning area;
7. One member appointed by the county or district board of health;
8. One member of the public at large appointed by the affirmative vote of a majority of the voting members; and
9. Additional members with expertise in an area that the majority of the voting members determines is necessary, appointed by the affirmative vote of a majority of the voting members.

Sec. 38. The members of the Water Planning Commission appointed pursuant to paragraphs (h) to (l), inclusive, of subsection 1 of section 36 of this Act or any alternative designees appointed pursuant to paragraphs (a) to (g), inclusive, of subsection 1 of section 36 of this Act may not hold any elective governmental office but may be engaged or employed in private enterprise or be employees of state or local government, and each member must be qualified pursuant to at least one of the following subsections:

1. A professional engineer licensed pursuant to the provisions of chapter 625 of NRS;
2. Experienced in comprehensive planning, natural resources or environmental protection;
3. A specialist in hydrologic science;
4. Experienced in law, management or planning related to water;
5. Experienced in municipal finance or resource economics;
6. Experienced in construction, planning or operation of facilities or systems for supplying or treating water, for collecting or treating sewage, for drainage of storm water or for control of floods; or
7. Knowledgeable in the areas of water conservation, biology, natural systems, water quality and water management.



Sec. 39. The Water Planning Commission shall establish a schedule for the selection of its Chairman for a term of 1 year, in rotation, from among the members.

Sec. 40. 1. The Water Planning Commission shall meet at the call of the Chairman or any three members. The Water Planning Commission shall establish a schedule of regular meetings and provide for the calling of a special meeting when action is required before a regular meeting would occur.

2. A quorum consists of a majority of the members. The affirmative vote of a majority of the members present is required to take action, unless a larger proportion is required by this Act for a particular action.

3. A member of the Water Planning Commission is not entitled to compensation for his services as a member.

Sec. 41. 1. The Water Planning Commission shall develop, and as necessary recommend revisions to, a Comprehensive Plan for the planning area covering the supply of municipal and industrial water, quality of water, sanitary sewerage, treatment of sewage, drainage of storm waters and control of floods. The initial Comprehensive Plan must be developed on or before January 1, 2011. The provisions of the comprehensive plan developed and revised pursuant to the former provisions of NRS 540A.130 before April 1, 2008, remain in effect until the Board adopts the initial Comprehensive Plan.

2. The Comprehensive Plan must consist of written text, appropriate maps and goals and policies to deal with current and future problems affecting the planning area as a whole with respect to the subjects of the Comprehensive Plan set forth in subsection 1. In developing the Comprehensive Plan, the Water Planning Commission shall consider any water resource plan developed by a public purveyor and, to the extent feasible and consistent with the objectives of the Regional Water Commission, seek to incorporate such a plan.

3. The Comprehensive Plan must:

(a) Describe the problems and needs of the planning area relating to the subjects of the Comprehensive Plan set forth in subsection 1;

(b) Identify the providers of services relating to the subjects of the Comprehensive Plan within the planning area and the area within which each provides service, including service territories of public utilities and public purveyors;

(c) Identify alternatives to reduce demand or increase water supply;



(d) Identify and provide for existing and future sources of water needed to meet the present or future needs of the planning area, including, without limitation, existing and future demand for water within each public purveyor's service territory;

(e) Define priorities and general location for additional major facilities needed to provide services relating to the subjects of the Comprehensive Plan set forth in subsection 1;

(f) Describe programs to mitigate drought, achieve conservation of water, protect wellheads and otherwise manage water;

(g) Provide for the development, acquisition and stabilization of surface water and groundwater supply in the planning area, including policies regarding dedication of privately held water resources by applicants for water service;

(h) Provide for the oversight of, protection of, regional management of and maximization of efficient conjunctive use of, the supply of surface water and groundwater and major water resource facilities in the planning area, including use of reclaimed water and recharge and recovery or underground storage and recovery of water, and the scheduling of the delivery of water supplies held by public purveyors;

(i) Identify and provide for the extent to which reuse or effluent water is to be put to beneficial use or discharged, directly or indirectly, into the Truckee River;

(j) Provide for the regional conservation and prevention of long-term depletion of surface water and groundwater resources in the planning area in support of the Comprehensive Plan;

(k) Provide for adequate supplies of municipal and industrial water, quality of water, sanitary sewerage, treatment of sewage, drainage of storm waters and control of floods within the planning area;

(l) Identify and provide for the peaking capacity required for delivery of water supplies to each public purveyor, if applicable, and the means by which such requirements will be met;

(m) Include a water budget identifying water supplies available to each public purveyor from all sources; and

(n) Seek to make full use of any unused capacity of facilities that are owned by public purveyors, if such use is otherwise economical and efficient.

4. The Water Planning Commission shall make recommendations to the Board for the adoption of, and any revisions to, the Comprehensive Plan.



Sec. 42. The Comprehensive Plan must include the following elements:

1. Quality of surface water, which must include, without limitation:

- (a) Compliance with standards of quality for bodies of water;
- (b) Locations and capacities of plants to treat wastewater;
- (c) Intended quantity and quality of discharge from those plants and its reuse, service areas and interceptors; and
- (d) Programs to attain protection from pollution by both concentrated and diffuse sources.

2. Quality of groundwater, which must include, without limitation:

- (a) Compliance with standards of quality for hydrographic basins and septic tanks;
- (b) Capacities for withdrawal of water from hydrographic basins;
- (c) Programs to protect wellheads;
- (d) Programs to clean up contaminated groundwater from hydrographic basins; and
- (e) Programs to attain protection from pollution by both concentrated and diffuse sources.

3. Supply of surface water, which must include, without limitation:

- (a) Existing and planned sources of surface water;
- (b) Existing and planned uses for all surface water, including municipal and industrial uses, requirements for return flow, reserves for drought and future growth, uses to improve the quality of water, uses to provide habitat and uses in conjunction with underground water;
- (c) Major facilities to convey and store surface water;
- (d) Standards, service areas, rates of flow and reserves for storage; and
- (e) Facilities to treat surface water.

4. Supply of underground water, which must include, without limitation:

- (a) Existing and planned sources of underground water;
- (b) Existing and planned uses for all underground water, including municipal and industrial uses, maintenance of minimum groundwater level and the need for recharge, reserves for drought and future growth, uses to improve the quality of water, uses to provide habitat and uses in conjunction with surface water;
- (c) Major facilities to extract and convey underground water;
- (d) Compliance with standards for treated and nontreated water, service areas, rates of flow and reserves for storage; and



- (e) Facilities to treat and store underground water.
  - 5. Control of floods and drainage of storm water, as it relates to surface water, which must include, without limitation:
    - (a) Minimum standards of design for controlling floods in the planning area;
    - (b) Nonstructural alternatives and standards for facilities to control floods in the planning area and single drainage basins;
    - (c) Regional facilities to control floods; and
    - (d) Generalized facilities and standards of design for single drainage basins.
  - 6. Control of floods and drainage of storm water, as it relates to underground water, which must include, without limitation:
    - (a) Groundwater level and capacity for additional storage of water underground as a means of mitigating floods;
    - (b) Location and capacities of major facilities for controlling floods which utilize storage of water underground to mitigate floods; and
    - (c) Standards of design for devices to infiltrate storm water and other minor facilities for controlling floods which utilize storage of water underground to mitigate floods.
  - 7. Cost and financing, which must include an estimate of the cost of each major facility, source of water or other requirement of the Comprehensive Plan and an analysis of alternatives for financing and funding the facility, source or other requirement, or alternatives thereto, as well as the effect of the funding alternatives on other facilities included in the Comprehensive Plan. The estimate of cost must state the financial impact on persons within the planning area, including, without limitation, all direct and indirect costs of connecting to a system for supplying water, if applicable.
  - 8. Recommendations for developing and implementing consistent policies of, and among, public purveyors concerning regional drought reserve standards, developer costs, impact fees, dedication of water rights and standards for the drainage of water.
  - 9. Evaluation and recommendations regarding the consolidation of public purveyors in the planning area, which must include costs and benefits of consolidation, the feasibility of various consolidation options, analysis of water supplies, operations, facilities, human resources, assets, liabilities, bond covenants, and legal and financial impediments to consolidation and methods, if any, for addressing any such impediments.
- Sec. 43. 1. The Comprehensive Plan must be consistent with and carry out the provisions of the Comprehensive Regional Plan adopted by the Governing Board for Regional Planning in Washoe County pursuant to NRS 278.0276 and the master plans and any



other plans for the use of land which are adopted by governmental entities within the planning area.

2. The Comprehensive Plan must be consistent with and carry out or support the carrying out of all aspects of the Truckee River Operating Agreement and Water Quality Settlement Agreement.

3. The Comprehensive Plan must be consistent with the state water plan that is in effect at the time that the Comprehensive Plan is adopted.

**Sec. 44.** In developing the Comprehensive Plan, the Water Planning Commission shall:

1. Receive and consider information from public purveyors, public utilities and other entities supplying municipal and industrial water within the planning area;

2. Receive and consider information from entities providing sanitary sewerage, treatment of sewage, drainage of storm water and control of floods within the planning area;

3. Receive and consider information from entities concerned with water quality within the planning area;

4. Review and consider any plan or recommendation of the State Engineer concerning the development, conservation and use of water resources, existing water conservation plans, the regional plan and any master plan that has been adopted pursuant to the provisions of chapter 278 of NRS and any similar plan of a local government which applies to any area in the planning area, and may seek and consider the advice of each local planning commission and any other affected entity;

5. Coordinate and make consistent the elements of the Comprehensive Plan set forth in section 42 of this Act;

6. Consider existing applicable laws;

7. Recognize and coordinate the needs of the incorporated areas of the planning area with the needs of the unincorporated areas of the planning area; and

8. Receive and consider information from other interested persons.

**Sec. 45.** 1. Before submitting the Comprehensive Plan to the Board, the Water Planning Commission shall hold at least one public hearing on the Comprehensive Plan within the planning area.

2. Before acting on a proposed amendment to the adopted Comprehensive Plan, the Water Planning Commission shall hold at least one public hearing on the proposed amendment at a location in the planning area relevant to the proposed amendment.

3. Notice of the time and place of each hearing must be given by publication in a newspaper of general circulation in the planning area at least 10 days before the day of the hearing. If there is more



than one newspaper of general circulation in the planning area, notice must be given by publication in at least two such newspapers.

4. The decision to submit the proposed Comprehensive Plan or any amendment to the adopted Comprehensive Plan to the Board must be made by resolution of the Commission carried by the affirmative votes of a majority of the total voting members of the Water Planning Commission. The resolution must refer expressly to the text, maps and descriptive or other matter intended by the Water Planning Commission to constitute the Comprehensive Plan or an amendment thereto.

Sec. 46. 1. An attested copy of the proposed Comprehensive Plan or an amendment thereto must be submitted by the Water Planning Commission to the Board.

2. Before taking any action on the proposed Comprehensive Plan or an amendment thereto, the Board shall convene a public hearing.

3. Notice of the hearing must be given at least 10 days before the date of the hearing. The notice must include, without limitation:

- (a) A statement of the time, place and nature of the hearing;
- (b) A statement of the legal authority under which the hearing is to be held; and
- (c) A reference to the particular sections of any applicable laws.

4. Not less than 30 days before the hearing, the Board shall cause to be placed a copy of the proposed Comprehensive Plan or amendment thereto in the office of the County Clerk of Washoe County and publish notice that the Comprehensive Plan or amendment thereto is available for public inspection.

5. Each notice required by this section must be published in a newspaper of general circulation in the planning area. If there is more than one newspaper of general circulation in the planning area, notice must be given by publication in at least two such newspapers. The notice must be a display advertisement not less than 3 by 5 inches in size.

Sec. 47. 1. The Board shall not change or add to the proposed Comprehensive Plan or an amendment thereto as submitted by the Water Planning Commission until it has submitted the substance of the proposed change or addition to the Water Planning Commission in writing with its reasons for the change or addition.

2. The Water Planning Commission shall, if it agrees to the change or addition, revise the submitted Comprehensive Plan or amendment thereto accordingly. If the Water Planning Commission does not agree, it shall report to the Board in writing its reason for disagreeing and any alternative proposal.



3. In either case, the Water Planning Commission shall present its revision or report to the Board within 40 days after the Board's change or amendment is submitted to the Water Planning Commission.

4. If the Water Planning Commission does not agree with the proposed change or addition and the Board refuses to rescind its proposal or to accept an alternative proposal of the Water Planning Commission, the Water Planning Commission shall revise the originally submitted Comprehensive Plan or amendment thereto to incorporate the change or addition proposed by the Board.

**Sec. 48.** 1. After adoption by the Board, the Comprehensive Plan or an amendment thereto must be submitted for review to the Regional Planning Commission in Washoe County established pursuant to NRS 278.0262. The Regional Planning Commission shall review the Comprehensive Plan or amendment thereto only for consistency with the Comprehensive Regional Plan adopted pursuant to NRS 278.0276 and the master plans and any other plans for the use of land which are adopted by local governmental entities within the planning area. The Regional Planning Commission shall review the Comprehensive Plan or amendment thereto at one or more public hearings. Notice of the time and place of a hearing must be given in accordance with NRS 278.0276.

2. If the Regional Planning Commission fails to make a determination within 40 days after the submission of the Comprehensive Plan or amendment thereto, the Comprehensive Plan or amendment thereto shall be deemed to be consistent with the Comprehensive Regional Plan.

3. If the Regional Planning Commission determines that the Comprehensive Plan or amendment thereto is not consistent with the Comprehensive Regional Plan, it shall state its reasons why the Comprehensive Plan or amendment thereto is not consistent. Unless an appeal is filed pursuant to section 49 of this Act, the Water Planning Commission and the Board shall respectively develop and adopt, in accordance with sections 44 to 47, inclusive, of this Act, proposed revisions to the Comprehensive Plan or amendment thereto, and the Board shall resubmit the revised Comprehensive Plan or amendment thereto to the Regional Planning Commission.

**Sec. 49.** 1. An affected entity that disagrees with the reasons given by the Regional Planning Commission for its determination of consistency or inconsistency pursuant to section 48 of this Act may file an appeal with the Governing Board for Regional Planning in Washoe County not later than 10 days after the determination of consistency or inconsistency. As used in this subsection, "affected



entity” means Washoe County, the City of Reno, the City of Sparks or any other governmental entity or public purveyor or a public utility providing services relating to the subject matter of the Comprehensive Plan within the planning area.

2. Within 45 days after its receipt of an appeal, the Governing Board for Regional Planning shall consider the appeal and issue its decision. If the decision of the Governing Board for Regional Planning is that the Comprehensive Plan or amendment thereto is not consistent with the Comprehensive Regional Plan, it shall state its reasons why the Comprehensive Plan or amendment thereto is not consistent. The Water Planning Commission and the Board shall then respectively develop and adopt, in accordance with sections 44 to 47, inclusive, of this Act, proposed revisions to the Comprehensive Plan or amendment thereto, and the Board shall resubmit the revised Comprehensive Plan or amendment thereto to the Regional Planning Commission for review.

**Sec. 50.** The adopted Comprehensive Plan must be reviewed by the Water Planning Commission on a schedule to be established by the Board, which must at least provide for review of the Comprehensive Plan within 5 years after its adoption and at least every 5 years thereafter. After each review, the Water Planning Commission shall submit to the Board any proposed amendment to the Comprehensive Plan or report that there are no amendments.

**Sec. 51.** 1. Except as otherwise provided in subsection 2, on and after the date the initial Comprehensive Plan is finally approved, no facility intended to provide a service relating to a subject of the Comprehensive Plan within the planning area may be constructed, if the facility is of such a kind or size as to affect the working of the Comprehensive Plan as distinct from providing normal service to customers, unless it is included in the Comprehensive Plan or has been reviewed and approved as provided in subsection 3.

2. The Comprehensive Plan may allow for the construction of facilities not included within the Comprehensive Plan in order to meet an emergency as defined in the Comprehensive Plan.

3. A proposal to construct a facility described in subsection 1 within the planning area must be submitted to the Water Planning Commission for review and recommendation to the Board concerning the conformance of the proposal with the Comprehensive Plan. The review must include an evaluation of stranded costs, the need for the facility within the planning area and the impact that construction of the facility will have on any potential consolidation of public purveyors. If the Water Planning Commission fails to make such a recommendation within 30 days after the proposal is submitted to it, the Water Planning Commission



shall be deemed to have made a recommendation that the proposal conforms to the Comprehensive Plan. The Board shall consider the recommendation of the Water Planning Commission and approve or disapprove the proposal as conforming to the Comprehensive Plan. Any disapproval must be accompanied by recommended actions to be taken to make the proposal conform to the Comprehensive Plan. The Water Planning Commission and the Board shall limit their review to the substance and content of the Comprehensive Plan and shall not consider the merits or deficiencies of a proposal in a manner other than is necessary to enable them to make a determination concerning conformance with the Comprehensive Plan.

4. The Board shall provide, by resolution after holding a hearing, for the Water Planning Commission or its staff to make final decisions concerning the conformance of classes of proposed facilities to the Comprehensive Plan. A resolution adopted pursuant to this section must provide an opportunity for the applicant or a protestant to appeal from a decision of the Water Planning Commission or its staff to the Board.

Sec. 52. Any water right or source of water belonging to a governmental entity within the planning area must be used in accordance with the Comprehensive Plan.

Sec. 53. The provisions of this Act do not supersede the authority granted by law to the State Engineer, the State Environmental Commission and the State Department of Conservation and Natural Resources.

Sec. 54. NRS 540A.060, 540A.070, 540A.080, 540A.090, 540A.100, 540A.110, 540A.120, 540A.130, 540A.140, 540A.150, 540A.160, 540A.170, 540A.180, 540A.190, 540A.200, 540A.210, 540A.220, 540A.230, 540A.290, 540A.300 and 540A.310 are hereby repealed.

Sec. 55. The fee authorized pursuant to NRS 540A.070 must remain in effect and be collected by Washoe County and transferred to the Western Regional Water Commission, created pursuant to section 23 of this act, until such time as the Board of Trustees of the Regional Water Commission adopts a resolution pursuant to section 35 of this act imposing a new fee.

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.

Sec. 57. 1. This section and section 56 of this act become effective on July 1, 2007.

2. Sections 1 to 23, inclusive, and 25 to 55, inclusive, of this act become effective on April 1, 2008.

3. Section 24 of this act:

(a) Becomes effective on:

(1) July 1, 2007, for the purposes of authorizing the entities set forth in that section to enter into the cooperative agreement specified in that section; and

(2) April 1, 2008, for all other purposes, if the cooperative agreement specified in that section is entered into before that date.

(b) Expires by limitation on April 1, 2008, if the cooperative agreement specified in that section has not been entered into before that date.

4. Section 56 of this act expires by limitation on July 1, 2013.





## ABSTRACT

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

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

The 74th Session of the Nevada Legislature approved Senate Bill 487 (Chapter 531), 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 three meetings, including a work session, during the 2009-2010 Interim. Two meetings were held in the Washoe County Commission Chambers in Reno, Nevada; the final meeting and work session 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 the Truckee River Flood Management Project, sharing of water monitoring data along the Truckee River, and the continuing need to address domestic well and septic system use and conversion to municipal water and sewer systems in the county.

As a result of these hearings, the Committee adopted two recommendations for bill drafts to be considered by the 2011 Legislature. The recommendations address various technical revisions to S.B. 175 (Chapter 477) and Assembly Bill 54 (Chapter 325), both of the 2009 Session. These bill drafts will be considered by the 2011 Legislature.



## SUMMARY OF RECOMMENDATIONS

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

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

The following is a summary of the recommendations unanimously approved during the 2009-2010 Interim by the Legislative Committee to Oversee the Western Regional Water Commission. The following bill draft requests (BDRs) will be submitted to the 76th Session of the Nevada Legislature:

1. Submit a BDR to authorize the issuance of bonds to finance loans made to provide financial assistance to persons to connect to the public water or sewer system in certain counties (Assembly Bill 54, Chapter 325, *Statutes of Nevada 2009*). **(BDR 20-243)**
2. Submit a BDR to revise provisions concerning the collection of revenues for and the financing and administration of flood management projects (Senate Bill 175, Chapter 477, *Statutes of Nevada 2009*). **(BDR 20-244)**

**Note:** At the Committee's final meeting, Steve Walker, representing several Nevada counties, testified that his clients would like to amend the bill resulting from Recommendation No. 1 in order to allow counties in the State with populations under 40,000 to issue bonds and finance loans to assist persons wanting to connect to municipal water and sewer systems. Although the Committee could not act on the request at the work session, the members did voice their support for the proposal.



BULLETIN NO. 11-11

**ADVISORY COMMISSION ON THE ADMINISTRATION OF JUSTICE**

*Nevada Revised Statutes 176.0123*

**Members**

Assemblyman William C. Horne, Chair  
The Honorable James W. Hardesty, Associate Justice, Nevada's Supreme Court, Vice Chair  
Senator Dennis Nolan  
Senator David R. Parks  
Assemblyman John C. Carpenter  
Connie Bisbee, Chair, State Board of Parole Commissioners  
Catherine Cortez Masto, Attorney General  
Bernard W. Curtis, Chief, Division of Parole and Probation, Department of Public Safety  
Larry Digesti, representative, State Bar of Nevada  
Gayle W. Farley, Victims' Rights Advocate  
Thomas Finn, Chief of Police, Boulder City Police Department  
Raymond Flynn, representative, Las Vegas Metropolitan Police Department  
The Honorable Douglas W. Herndon, Department 3, Eighth Judicial District Court  
Phil Kohn, Clark County Public Defender  
David Roger, Clark County District Attorney  
Richard Siegel, President, ACLU of Nevada  
Howard Skolnik, Director, Department of Corrections

**Alternate Member**

Assemblyman Richard McArthur

**Staff Contacts**

Legal Division:  
Risa B. Lang, Chief Deputy Legislative Counsel  
Nicolas C. Anthony, Senior Principal Deputy Legislative Counsel  
Angela Clark, Secretary  
(775) 684-6830

Office of the Attorney General:  
(775) 684-1100



*Nevada Revised Statutes*

**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)

## ABSTRACT

### ADVISORY COMMISSION ON THE ADMINISTRATION OF JUSTICE

*Nevada Revised Statutes 176.0123*

The Advisory Commission on the Administration of Justice (Advisory Commission), is charged with examining various aspects of the criminal justice system, and prior to the next regular session of the Legislature must prepare and submit to the Director of the Legislative Counsel Bureau a comprehensive report including the Advisory Commission's finding and any recommendations for proposed legislation. Although the Advisory Commission does not have statutory authority to request bill drafts, individual Legislators, including the Chairs of the Senate and Assembly Committees on Judiciary, have chosen to sponsor the Advisory Commission's recommendations for legislation.

For purposes of this document, the recommendations of the Advisory Commission have been organized by type of recommendation and are not listed in preferential orders. By category, each recommendation falls within a request to: (1) draft legislative to amend the *Nevada Revised Statutes*; (2) draft a letter; or (3) include a statement of support in the final report.



## SUMMARY OF RECOMMENDATIONS

### ADVISORY COMMISSION ON THE ADMINISTRATION OF JUSTICE

#### *Nevada Revised Statutes 176.0123*

The Advisory Commission on the Administration of Justice held two final work session meetings to debate and discuss the merits of all recommendations offered during the 2009-2010 Interim. At those work session meetings held June 23 and September 24, 2010, the Advisory Commission affirmatively voted to approve nine recommendations for the drafting of legislation, one recommendation for the drafting of a letter, and two recommendations to include a statement in the final report.

#### **BILL DRAFT REQUESTS (BDRS)**

1. Draft legislation to revise provisions relating to the requirements to be certified by a psychological review panel before release on parole. **(BDR 16-640)**
2. Draft legislation to authorize the aggregation of prison sentences. **(BDR 14-311)**
3. Draft legislation to move the Office of the State Public Defender to the Office of the Governor. **(BDR 18-641)**
4. Draft legislation to provide that any remaining money in the Fund for the Compensation of Victims of Crime at the end of a fiscal year remain in the Fund and not revert to the State General Fund. **(BDR 16-597)**
5. Draft legislation to waive certain fees relating to the issuance of certified copies of birth certificates and duplicate drivers' licenses and identification cards to persons released from prison. **(BDR 40-598)**
6. Draft legislation to adjust the threshold amount for property offenses to current dollar amounts using the Consumer Price Index. **(BDR 15-599)**
7. Draft legislation to provide for the centralized collection of fines, fees, and restitution from convicted persons. **(BDR 18-557)**
8. Draft legislation to amend Nevada Revised Statutes (NRS) to impose limitations on the use of psychological or psychiatric examinations of victims and witnesses in sexual offense prosecutions. **(BDR 14-558)**
9. Draft legislation to allow offenders convicted of certain category B to be eligible for credits to reduce the minimum term of imprisonment imposed. **(BDR 16-634)**

### **DRAFT A LETTER**

10. Draft a letter to the Chairs of the Assembly Committee on Judiciary and the Senate Committee on Judiciary requesting the Legislature to consider reclassifying certain category B felonies, including all category B felonies with a penalty of 1-6 years and/or certain non-violent category B felonies.
11. Include a statement in the final report encouraging the State of Nevada to fully fund all indigent defense, as raised in Assembly Bill No. 45, which failed to pass in the 2009 Session.

### **INCLUDE A STATEMENT**

12. Include a statement in the final report recognizing the need to investigate and support future study of Nevada's criminal justice system.

BULLETIN NO. 11-12

**LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO REVIEW THE  
UNITED STATES DEPARTMENT OF LABOR'S REPORT ON THE  
NEVADA OCCUPATIONAL SAFETY AND HEALTH PROGRAM**

*Nevada Revised Statutes 218E.200*

**Members**

Senator Maggie Carlton, Chair  
Senator Maurice E. Washington  
Assemblyman Marcus L. Conklin

**Staff Contacts**

Research Division:

Wayne Thorley, Senior Research Analyst  
Ricka Benum, Senior Research Secretary  
(775) 684-6825

Legal Division:

Daniel Peinado, Deputy Legislative Counsel  
(775) 684-6830



*Nevada Revised Statutes*

**NRS 218E.200 Power to conduct studies and investigations; establishment of committees and subcommittees; designation of members for such committees; compensation, allowances and expenses of members.**

1. The Legislative Commission may conduct studies or investigations concerning governmental problems, important issues of public policy or questions of statewide interest.

2. 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.

3. 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.

4. 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.

5. 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 218A.655.

[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)—(Substituted in revision for part of NRS 218.682)



## ABSTRACT

### **LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO REVIEW THE UNITED STATES DEPARTMENT OF LABOR'S REPORT ON THE NEVADA OCCUPATIONAL SAFETY AND HEALTH PROGRAM**

*Nevada Revised Statutes 218E.200*

On January 28, 2010, Nevada's Legislative Commission established the Subcommittee to Review the United States Department of Labor's Report on the Nevada Occupational Safety and Health Program, under the authority of subsection 5 of *Nevada Revised Statutes* (NRS) 218E.200. The Subcommittee was created in response to an October 2009 report by the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor, titled *Review of the Nevada Occupational Safety and Health Program*. The report reviews critical elements of the Nevada Program and makes recommendations for improvements in the areas of workplace safety, safety inspections, and communication.

The Subcommittee held two regular meetings and one work session during the course of the 2009-2010 Interim. All three meetings were held at the Grant Sawyer State Office Building in Las Vegas, Nevada, with simultaneous videoconferencing to the Legislative Building in Carson City, Nevada.

During the course of the review, the Subcommittee was provided with formal presentations and expert and public testimony on a broad range of topics relating to workplace safety. Issues included: (1) current problems and deficiencies regarding workplace safety in Nevada; (2) a status report on the implementation of the suggestions contained in the *Review of the Nevada Occupational Safety and Health Program*; (3) the history of the Nevada Occupational Safety and Health Administration (Nevada OSHA); (4) proposed federal legislation relating to occupational safety and health; and (5) worker safety on jobsites with Owner-Controlled Insurance Programs.

At the final work session meeting, the Subcommittee voted to request the drafting of four bills for consideration by the 2011 Legislature. These recommendations include legislation to:

1. Make various changes concerning the size and applicability of assessments, fees, fines, and other settlements by Nevada OSHA relating to occupational safety and health;
2. Authorize Nevada OSHA to cite employers for workplace safety violations based on the presence of a hazardous condition, regardless of whether a State safety inspector observed an employee being exposed to the hazard; and
3. Provide for certain communications with family members of workers injured or killed in occupational accidents.

During its final meeting and work session, the Subcommittee also considered a proposal to enact legislation requiring all Nevada OSHA investigations involving a workplace fatality be recommended to the local district attorney and/or the Office of the Attorney General for possible criminal prosecution. While no formal action was taken on this proposal, the Subcommittee agreed to notify the Legislative Commission of the proposal in this report should the Commission wish to further pursue the issue.

The Subcommittee also directed staff to prepare two letters to federal and State officials on issues related to Nevada OSHA and workplace safety.

## SUMMARY OF RECOMMENDATIONS

### LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO REVIEW THE UNITED STATES DEPARTMENT OF LABOR'S REPORT ON THE NEVADA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

*Nevada Revised Statutes 218E.200*

This summary presents the recommendations approved by the Legislative Commission's Subcommittee to Review the United States Department of Labor's Report on the Nevada Occupational Safety and Health Program at its final meeting on June 7, 2010, in Las Vegas, Nevada. The corresponding bill draft request (BDR) number follows each recommendation for legislation.

#### RECOMMENDATIONS FOR LEGISLATION

1. Enact legislation concerning assessments, fees, fines, and settlements relating to occupational safety and health, as follows:
  - a. To increase the fine for each willful violation not resulting in a workplace death from between \$5,000 and \$70,000 to between \$8,000 and \$120,000;
  - b. To increase the fine for each willful violation resulting in a workplace fatality from between \$50,000 and \$100,000 to between \$50,000 and \$250,000;
  - c. To increase insurance assessments, fines, and all other fees levied by the Nevada Occupational Safety and Health Administration (OSHA) to facilitate: (1) the hiring of additional Nevada OSHA staff, including inspectors, trainers, and administrative staff; and (2) increasing the salary of safety and mechanical inspectors to a level more comparable with the average salary of private industry inspectors;
  - d. To allow Nevada OSHA to fine employers who have failed to fulfill the conditions agreed upon in a settlement agreement within a reasonable time frame;
  - e. To require employers to pay fines due to safety violations prior to entering bankruptcy; and
  - f. To require employers, after a ruling and fines have been issued by Nevada OSHA, to make a bond or cash payment on the fines before pursuing an appeal of the ruling. **(BDR 53-100)**
2. Enact legislation authorizing Nevada OSHA to cite employers for workplace safety violations based on the presence of a hazardous condition, regardless of whether a State safety inspector observed an employee being exposed to the hazard. **(BDR 53-101)**

3. Enact legislation providing for communications with family members of workers injured or killed in occupational accidents, as follows:
  - a. To require Nevada OSHA, during investigations of workplace accidents resulting in a fatality, to interview surviving family members of workers and to solicit any pertinent information the workers may have shared with their family;
  - b. To require Nevada OSHA to notify family members or other worker representatives, regardless of whether the injured worker was a member of a union or not, when: (1) an investigation begins; (2) citations are issued; (3) formal settlement agreements are signed; (4) the case is contested; and (5) the case is closed;
  - c. To allow family members of workers injured or killed on the jobsite the opportunity to participate in all conferences and meetings pertaining to the accident investigation by Nevada OSHA;
  - d. To require Nevada OSHA to give family members or other worker representatives a written copy of all their rights pertaining to a workplace accident investigation; and
  - e. To create a worker advocate position to be a source of information and assist families that have recently lost a family member to a workplace fatality. **(BDR 53-102)**

During its final meeting and work session, the Subcommittee also considered a proposal to enact legislation requiring all Nevada OSHA investigations involving a workplace fatality be recommended to the local district attorney and/or the Office of the Attorney General for possible criminal prosecution. While no formal action was taken on this proposal, the Subcommittee agreed to notify the Legislative Commission of the proposal in this report should the Commission wish to further pursue the issue.

#### **SUBCOMMITTEE ACTIONS**

The members of the Legislative Commission's Subcommittee to Review the U.S. Department of Labor's Report on the Nevada Occupational Safety and Health Program also voted to:

4. Prepare a letter to be sent on the Subcommittee's behalf to the Division of Industrial Relations and Nevada OSHA, both within the Department of Business and Industry, requesting a salary survey, preferably conducted by the Department of Personnel, to determine how the average salary of State safety inspectors compares to that of safety inspectors in the private sector.
5. Prepare a letter to be sent on the Subcommittee's behalf to Nevada's Congressional Delegation; the Chair of the U.S. Senate Committee on Health, Education, Labor and Pensions; the U.S. House Committee on Education and Labor; the U.S. Department of Labor; and the U.S. Department of Labor's Occupational Safety and

Health Administration, requesting support for legislation and policies that ensure federal funding to states with OSHA plans is fair and adequate.



**LEGISLATIVE COMMITTEE ON PUBLIC LANDS**

*Nevada Revised Statutes 218E.510*

**Members**

Senator Dean A. Rhoads, Chair  
Assemblyman Jerry D. Claborn, Vice Chair  
Senator Terry Care  
Senator John J. Lee  
Senator David R. Parks  
Assemblyman Paul Aizley  
Assemblyman David P. Bobzien  
Assemblyman John C. Carpenter  
Tom Collins, Clark County Commissioner

**Alternate Members**

Senator Mike McGinness  
Senator Michael A. Schneider  
Assemblyman Peter (Pete) J. Goicoechea  
Assemblywoman Ellen B. Spiegel

**Staff Contacts**

Research Division:

Susan E. Scholley, Chief Principal Research Analyst  
Susan M. Young, Senior Administrative Assistant  
(775) 684-6825

Legal Division:

J. Randall Stephenson, Principal Deputy Legislative Counsel  
Charity A. Fowler, Deputy Legislative Counsel  
(775) 684-6830



*Nevada Revised Statutes*

**NRS 218E.510 Creation; membership; budget; officers; terms; vacancies; alternates.**

1. There is hereby established a Legislative Committee on Public Lands consisting of four members of the Senate, four 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 Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.

3. The members of the Committee shall select a Chair from one House of the Legislature and a Vice Chair from the other. 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 office of Chair or Vice Chair, the members of the Committee shall select a replacement for the remainder of the unexpired term.

4. Any member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session of the Legislature convenes.

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

6. The Legislative Commission may appoint alternates for members of the Committee. The Chair of the Committee may designate an alternate appointed by the Legislative Commission to serve in place of a regular member who is unable to attend a meeting. The Chair shall appoint an alternate who is a member of the same House and political party as the regular member to serve in place of the regular member if one is available.

(Added to NRS by 1979, 5; A 1983, 209; 1985, 589; 2009, 1150, 1561)—(Substituted in revision for NRS 218.5363)



## ABSTRACT

### LEGISLATIVE COMMITTEE ON PUBLIC LANDS

#### *Nevada Revised Statutes 218E.510*

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

The Committee held five meetings during the 2009-2010 Interim. Three of the Committee's meetings were held in rural Nevada cities or towns: Ely, Tonopah, and Winnemucca.

At every meeting, the Committee received reports from the Bureau of Land Management and the United States Forest Service on their activities and programs in the nearby districts or national forests. Other federal agencies appearing before the Committee included the U.S. Fish and Wildlife Service and the National Park Service.

State agencies, including the Division of Water Resources, the Division of Forestry, and the Commission for the Preservation of Wild Horses, in the State Department of Conservation and Natural Resources, the Commission on Mineral Resources, the State Department of Agriculture, and the Department of Wildlife, made presentations to the Committee.

During the course of the interim, the Committee heard from almost every county commission in the State.

Other entities making presentations to the Committee included the Wildfire Support Group, Nevada Fire Safe Council, National Fish and Wildlife Foundation, Great Basin Water Network, Chemetall Foote Corporation, Solar Millennium LLC, SolarReserve, El Paso Corporation, Nevada Cattlemen's Association, Western Legacy Alliance, and Pine Forest Wilderness Study Area Working Group.

The Committee also received a report from the Legislative Committee to Oversee the Western Regional Water Commission.

At its work session in Ely, the Committee approved 10 proposals for drafting legislation and another 25 proposals for sending letters or including statements in the final report.

Topics covered included:

- Water resource issues;
- Hearings and applications related to water rights;
- Coordination of federal planning processes with local government plans and policies;
- Federal legislation relating to public lands;
- Wild horses;
- Grazing and rangeland health;
- Off-highway vehicles;
- Biomass projects;
- Renewable energy issues; and
- Wildfire prevention.

## SUMMARY OF RECOMMENDATIONS

### LEGISLATIVE COMMITTEE ON PUBLIC LANDS

*Nevada Revised Statutes* 218E.510

This summary presents the recommendations approved by Nevada's Legislative Committee on Public Lands during the 2009-2010 Interim at its final meeting on July 30, 2010, in Ely, Nevada. These recommendations will be forwarded to the Legislative Commission for transmittal to the 76th Session of the Nevada Legislature in 2011. During the drafting process, specific details of the following proposals for legislation may be further clarified by staff in consultation with the Chair or others, as appropriate. The corresponding BDR number follows each recommendation for legislation.

#### RECOMMENDATIONS FOR LEGISLATION

1. Amend the statutes to require that a water right be obtained for a pit lake or gravel pit, used for purposes of evaporation. **(BDR 48-206)**
2. Amend the statutes (such as *Nevada Revised Statutes* [NRS] 533.370) to clarify the renotification and hearing process. **(BDR 48-207)**
3. Amend the statutes (such as NRS 534.350) to eliminate the requirement for a public hearing prior to issuing an order granting domestic well credits to public water systems. **(BDR 48-208)**
4. Amend the statutes (such as NRS 533.435) to revise the fee for agricultural applications to appropriate water. **(BDR 48-209)**
5. Amend the statutes (see Senate Bill 394, Chapter 504, *Statutes of Nevada 2009*) to extend the deadline for implementation of the titling and registration provisions for off-highway vehicles (OHVs). **(BDR S-210)**
6. Amend the statutes (such as Chapter 490 of NRS), in relation to the provisions for titling and registering OHVs as enacted in S.B. 394, to exempt homemade or other OHVs without vehicle identification numbers (VINs) in a manner similar to the existing statutes for certain motor vehicles without VINs. **(BDR 43-211)**
7. Adopt a resolution urging the federal government to enact legislation enabling the sharing of at least a portion of the revenue generated by activities on public lands with the State and local governments, including without limitation, the reinstatement and continuation of the federal laws and policies whereby local governments receive appropriate rents and royalties for geothermal activity on federal land. **(BDR R-212)**

8. Adopt a resolution supporting the efforts of the Pine Forest Working Group and the Humboldt County Commission in their reexamination of wilderness study areas in the Pine Forest area of Humboldt County. **(BDR R-213)**
9. Adopt a resolution urging the State, local governments, users of public lands, and conservation organizations to be proactive in habitat protection, restoration, and mitigation to prevent listing of the Greater Sage Grouse as an endangered species. **(BDR R-214)**
10. Adopt a resolution addressing the importance of rangeland health to the State's wildlife, endangered species, tax base, and economy and the importance of maintaining the State's tradition of multiple uses of public lands. Further, communicate to the Bureau of Land Management (BLM) the importance of staying within current appropriate management levels (AMLs) and the State's opposition to the expansion of existing herd management areas. Finally, take the steps necessary to ensure that the BLM complies with existing federal laws relating to wild horses and burros and to oppose changes to the Wild Horse and Burro Act that would negatively impact Nevada. **(BDR R-215)**

#### **RECOMMENDATIONS FOR COMMITTEE ACTION**

11. Send a letter to Nevada's Congressional Delegation, the Secretary of the Interior, and the Governor of Nevada, expressing the Committee's strong opposition to agreements, such as the one entered into by El Paso Corporation and the Western Watersheds Project, that seek to permanently retire grazing permits and eliminate grazing on public lands. Further, urge Nevada's Congressional Delegation and the Governor to oppose any federal legislation that would allow or facilitate in any way the permanent retirement of grazing permits on public lands and to oppose any federal endorsement of such a policy. Further, express the Committee's disappointment that local residents and livestock organizations were not consulted nor allowed to comment prior to the consummation of the agreement, which is being relied upon as mitigation for required federal permits. Also, send a copy of the letter to the Federal Energy Regulatory Commission and the El Paso Corporation.
12. Send a letter to the BLM in support of Carson City's application to nominate the acquisition of the Bently Ranch in the "Parks, Trails, and Natural Areas" category for funding under the Southern Nevada Public Land Management Act.
13. Send a letter asking the State Engineer to adopt regulations to add criteria for determining "environmental soundness" in relation to interbasin transfers of water as used in NRS 533.370(6).
14. Send a letter to Nevada's Congressional Delegation seeking their support in opposing proposed federal legislation that would redefine "navigable waters" or otherwise expand the scope of the federal Clean Water Act (see H.R. 5088 in the 111th Congress), and infringe on the authority of states to regulate water within their boundaries.

15. Send a letter to the BLM in support of a pilot demonstration project in Lincoln County for biomass power generation asking the BLM to commit to providing a 20-year supply of wood from the BLM's proposed thinning of 3.2 million acres of pinion and juniper in the Ely District.
16. Send a letter to the Secretary of the Interior, the Director of the BLM, and the BLM District Managers in Nevada urging them to: (a) reconsider the imposition of hot season grazing deferments; (b) work with rangeland scientists, livestock organizations, and grazing permittees on identifying options to address grazing impacts on riparian and other sensitive areas; and (c) implement alternative programs and policies that protect all public lands and habitats while mitigating or minimizing impacts on the operations of grazing permittees.

### **RECOMMENDATIONS FOR STATEMENTS IN THE FINAL REPORT**

17. Include a statement in the final report stating the Committee's opposition to any reconsideration of the current designation of Great Basin National Park as a Class II airshed.
18. Include a statement in the final report urging Congress to continue to fully fund payments to states under the Payments in Lieu of Taxes Act and to reauthorize and fund the Secure Rural Schools Act.
19. Include a statement in the final report urging the federal government to consult with the affected State and local governments and to hold public hearings prior to any designation of a new monument under the federal Antiquities Act of 1906.
20. Include a statement in the final report expressing the Committee's support of the reform of the federal Equal Access to Justice Act to prevent abuses.
21. Include a statement in the final report supporting the Esmeralda County Commission's position that any consideration of landmark status for Goldfield be limited to the town and not adjacent mining areas.
22. Include a statement in the final report supporting pending legislation in the 111th Congress sponsored by U.S. Senator Harry Reid (D-Nevada) (S. 3408) and U.S. Representative Dean Heller (R-Nevada) (H.R. 5370) to clarify title in Ione and Gold Point, former mining towns in Nevada, and further supporting future efforts to clarify title in other similarly affected mining towns in the State.
23. Include a statement in the final report urging federal agencies to consult with all affected local governments early in the federal planning processes and to provide an opportunity for public input at the earliest possible time and urging federal agencies to make themselves familiar with the provisions of the policies and plans of local governments that

have been prepared pursuant to the provisions of NRS 321.7355 as enacted in 1983 to complement the Federal Land Policy and Management Act. Further, the statement would urge federal agencies to consult with affected ranchers and livestock organizations in the development and implementation of grazing policies and restrictions and to encourage federal agencies to use conservation agreements instead of grazing restrictions, whenever feasible. The statement would also urge federal land managers to review and consider county master plans when developing local resource management plans or travel management plans and further urge the BLM to improve public involvement and transparency in its right-of-way permitting process and to improve its environmental studies and review.

24. Include a statement in the final report recognizing the importance of public lands to Nevada's economy and quality of life, and the importance of all parties working together to maximize the use of public lands in the State. Also, include a statement supporting an increase in the acreage of public lands subject to disposal and efforts to make the disposal process more streamlined and efficient. Finally, include a statement opposing the withdrawal of public lands from exploration, leasing, or other uses, and supporting increased access to public lands.
25. Include a statement in the final report encouraging federal agencies to consider impacts on water purveyors when making decisions on public lands, such as changes of use or disposal of lands, and to provide funding mechanisms to mitigate those impacts.
26. Include a statement in the final report recommending that local governments notify irrigation districts of proposed parcel and subdivision maps, and applications for new school construction or other construction that may impact or be impacted by the irrigation district and its infrastructure. Further, include a statement asking local governments to provide a meaningful opportunity to irrigation districts to comment and propose mitigation measures to protect public health, safety, and welfare and avoid impacts to the districts' infrastructure or easements. Finally, include a statement suggesting that the Public Lands Committee consider these issues during the 2011-2012 Interim, take testimony on possible legislative or other solutions, and, if appropriate, request legislation.
27. Include a statement in the final report encouraging the State Engineer to consider the water dedication requirements set by local governments or water purveyors and to consult with affected local governments or water purveyors when setting water dedication requirements.
28. Include a statement in the final report urging regional water authorities and private and public water purveyors to maximize conservation efforts, and to thoroughly investigate potential alternative water sources, such as desalinization, use of reclaimed water, rainwater capture, and cloud seeding, and encouraging cities and counties to maximize conservation efforts and to use alternative sources of water to the greatest extent feasible.

29. Include a statement in the final report encouraging the State Engineer, when feasible as a condition of certain water rights permits, to make a determination of the maximum distance to which groundwater can be lowered before the basin's ecosystem and other water rights holders in the basin will be deemed negatively impacted. Further, encourage the State Engineer to develop and enforce effective monitoring and mitigation measures, for both surface and groundwater projects, to ensure that permit conditions are met and impacts are dealt with in a timely and meaningful way. Finally, encourage the State Engineer to impose appropriate safeguards as a condition of interbasin transfers.
30. Include a statement in the final report recognizing that Nevada has a finite sustainable water supply (surface and groundwater) for its communities and environment, and encouraging local governments to base their land use plans on identified sustainable water resources.
31. Include a statement in the final report voicing the Committee's support for the "Assembly Bill 198 Program" that makes grants to publicly owned small water systems to enable them to meet the requirements of the State Board of Health and the Safe Drinking Water Act.
32. Include a statement in the final report supporting renewable energy projects on public lands in Nevada provided that: (a) the design and location of facilities minimize disruption to public land users; (b) the impacts of the project are fully mitigated and there is no net loss of animal unit months; and (c) cooperating agency status is granted to affected grazing boards to ensure them a meaningful role in the planning and implementation of a project.
33. Include a statement in the final report asking the Legislature to consider whether the tax abatements to encourage economic development in the form of geothermal development and energy production in Nevada are necessary and appropriate given the unique and limited nature of the resource and the importance of the abated tax revenue to the local governments.
34. Include a statement in the final report supporting: (a) continued and expanded funding for the Wildfire Conservation Group; (b) additional U.S. Department of Agriculture (USDA) National Resources Conservation Service (NRCS) fuels management projects in Nevada funded through the Environmental Quality Incentives Program; (c) increased USDA Agricultural Research Service or NRCS funding and rangeland research positions for Nevada, including the Great Basin Region; (d) the use of a collaborative landscape partnership approach by federal agencies; (e) the case-by-case qualifying of certified professionals as technical service providers by the NRCS State Conservationist for conservation planning purposes; and (f) the Committee's efforts in Washington, D.C., to obtain the support of Nevada's Congressional Delegation and the appropriate federal agency personnel for efforts listed above.

35. Include a statement in the final report expressing the Committee's support for maintaining wild horses and burros at AMLs through timely gathers, adoption programs, private partnerships and the use of sanctuaries, and sterilization.

BULLETIN NO. 11-14

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

*Nevada Revised Statutes 218E.555*

**Members**

Senator John J. Lee, Chair  
Assemblyman James A. Settlemeyer, Vice Chair  
Senator Mark E. Amodei  
Senator David R. Parks  
Assemblyman Morse Arberry Jr.  
(resigned from office on August 31, 2010)  
Assemblywoman Peggy Pierce

**Staff Contacts**

Research Division:

Jennifer Ruedy, Senior Research Analyst  
Tracey Wineglass, Senior Research Secretary  
(775) 684-6825

Legal Division:

Eileen G. O'Grady, Chief Deputy Legislative Counsel  
Stephen J. Avillo, Deputy Legislative Counsel  
(775) 684-6830



*Nevada Revised Statutes*

**NRS 218E.555 Creation; membership; budget; officers; terms; vacancies; reports.**

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 Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.

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

4. Any member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session of the Legislature convenes.

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

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

(Added to NRS by 2003, 2504; A 2009, 1152, 1562)—(Substituted in revision for NRS 218.53871)



## ABSTRACT

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

*Nevada Revised Statutes 218E.555*

The 72nd Session of the Nevada Legislature enacted Senate Bill 216 (Chapter 408, *Statutes of Nevada 2003*) 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 System was conducted by two separate committees. The Marlette Lake Water System Advisory Committee was a permanent committee authorized by *Nevada Revised Statutes (NRS) 331.165*, which was repealed by S.B. 216. The Legislative Committee to Continue the Review of Programs and Activities in the Lake Tahoe Basin (Assembly Concurrent Resolution No. 5, File No. 124, *Statutes of Nevada 2001*), 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 TRPA and the Marlette Lake Water System.

The Committee held three meetings, including a work session, during the 2009–2010 Interim. All meetings were held in the Lake Tahoe Basin. 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 five recommendations, including one recommendation for a bill draft for consideration by the 2011 Legislature. The recommendations address the following major topics:

- Nevada’s ongoing participation in the Environmental Improvement Program (EIP), including completion and ongoing maintenance of the EIP’s projects;
- Transportation; and
- The Lake Tahoe Regional Plan Initiative.



## 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 218E.555*

The following is a summary of the recommendations approved during the 2009–2010 Interim by the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency (TRPA) and the Marlette Lake Water System. One bill draft request (BDR) will be submitted to the 76th Session of the Nevada Legislature for its consideration in 2011.

#### RECOMMENDATION FOR LEGISLATION

1. Assembly Bill 18 (Chapter 431, *Statutes of Nevada 2009*) authorized the sale of general obligation bonds up to \$100 million over the next decade for Nevada's portion of the Environmental Improvement Program (EIP). The costs of carrying out the EIP are apportioned among the federal government, the States of California and Nevada, local governments, and private property owners within both states. The Administrator and State Lands Registrar of the Division of State Lands, State Department of Conservation and Natural Resources, is authorized to submit a request to the Legislature each biennium, as necessary, for an appropriation to the Program. The Committee approved a BDR for the sale of \$12 million of the authorized general obligation bonds for the 2011-2013 Biennium. The preliminary list of projects that will be submitted for consideration with this legislation includes:
  - \$1 million for continued forest health, restoration, and fuels management project implementation;
  - \$300,000 to control invasive terrestrial and aquatic species;
  - \$1,037,500 for recreation enhancements;
  - \$335,000 for protecting sensitive species and improving wildlife habitat;
  - \$8,827,500 for water quality, erosion control, and stream restoration/enhancement projects; and
  - \$500,000 for project contingencies.

The bill would provide that the total bond value issued for the Program may be reduced by the amount of money appropriated by the Legislature. **(BDR S-97)**

## RECOMMENDATIONS FOR COMMITTEE LETTERS

2. Send a Committee letter to California and Nevada's Congressional Delegations to request support of Lake Tahoe Transportation Authorities in the Reauthorization of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

Include a statement that the Metropolitan Planning Organization (MPO) designation under the current federal SAFETEA-LU for transportation and the transportation project implementation funds the Tahoe MPO (TMPO) receives have been of tremendous benefit to the people and the environment in the Lake Tahoe Basin. Specify support of the Committee for the retention of all authorities currently designated for the Lake Tahoe Region in the reauthorization of the bill.

Express the concern of the Committee that the TMPO does not receive transit operating formula funds as do all other MPOs, and request that the new transportation bill add this authority for the TMPO.

Therefore, the Committee supports the amendment of Section 5307 of the *United States Code* (U.S.C.), as follows:

Amend Section 5307(h) of Title 49, U.S.C., Chapter 53 to add a new subsection 5307(h)(2):

(2) For purposes of this section, the Lake Tahoe Region, as defined in Title 49 U.S.C. 5309(f)(3)(A), shall be treated as an urbanized area with a population of 150,000 and a land area of 77 square miles, as defined in Section 5302.

Point out that significant operating funds are necessary to provide an effective regionwide transit system given the dominance of federal land ownership at Lake Tahoe (approximately 80 percent), the policy direction of the Tahoe Regional Planning Compact (Public Law 96-551) to provide alternatives to the automobile, and the large annual visitation that comes to enjoy Lake Tahoe.

3. Send a Committee letter to Nevada's Department of Transportation to encourage the Department's continued cooperation with the Tahoe Transportation District to ensure that drop inlet grates on roads in the Lake Tahoe Basin are safe for bicyclists.
4. Send a Committee letter to the Tahoe Regional Planning Agency to urge consideration of the recommendations in the Lake Tahoe Regional Plan Initiative as the TRPA continues work on the Regional Plan update. The Committee noted that an economic foundation is necessary to support environmental gain, and that nothing in the letter should be construed as supporting or opposing any particular development proposal.

5. Send a Committee letter to Steve Teshara in acknowledgment of his nearly 30 years of work promoting collaboration between diverse entities for the common goal of improving environmental and economic conditions in the Lake Tahoe Basin.



BULLETIN NO. 11-15

**LEGISLATIVE COMMITTEE ON EDUCATION**

*Nevada Revised Statutes 218E.605*

**Members**

Senator Joyce L. Woodhouse, Chair  
Assemblywoman April Mastroluca, Vice Chair  
Senator Shirley A. Breeden  
Senator Bernice Mathews  
Senator William J. Raggio  
Assemblywoman Marilyn Dondero Loop  
Assemblyman Harvey J. Munford  
Assemblyman Lynn D. Stewart

**Staff Contacts**

Research Division:

H. Pepper Sturm, Chief Deputy Research Director  
Carol M. Stonefield, Supervising Principal Research Analyst  
Melinda Martini, Senior Research Analyst  
Maryann Elorreaga, Senior Research Secretary  
(775) 684-6825

Fiscal Analysis Division:

Joi Davis, Program Analyst  
(775) 684-6821

Legal Division:

Kristin C. Roberts, Senior Principal Deputy Legislative Counsel  
Colleen Platt, Deputy Legislative Counsel  
(775) 684-6830



*Nevada Revised Statutes*

**NRS 218E.605 Creation; membership; budget; officers; terms; 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. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.

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

4. A member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session of the Legislature convenes.

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

(Added to NRS by 1997, 1775; A 2009, 1150, 1560)—(Substituted in revision for NRS 218.5352)



## ABSTRACT

### LEGISLATIVE COMMITTEE ON EDUCATION

#### *Nevada Revised Statutes 218E.605*

Nevada's Legislative Committee on Education (LCE) is a permanent committee of the Nevada Legislature whose authorization and duties are set forth in Chapter 218E 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 (NERA), 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 (NCLB) of 2001, and any other fiscal or policy concerns associated with public education. The creation of the Committee, its membership, and powers and duties are codified in NRS 218E.605 and 218E.615.

The Committee held seven meetings during the 2009-2010 Interim. Pursuant to the Committee's charge as provided in NRS 218E.615, it considered a number of topics relating to elementary and secondary education, organizing the hearings around the eligibility requirements and the various selection criteria as set forth in the federal Race to the Top (RTTT) grant program, part of the American Recovery and Reinvestment Act of 2009. The members heard a series of in-depth briefings on each of the six major selection criteria categories, grant priorities, and the eligibility requirements specified in the RTTT application guidelines. The briefings included presentations by the Education Commission of the States, WestEd, Nevada's Superintendent of Public Instruction, and representatives of the Governor's Education Reform Blue Ribbon Task Force. Members received a series of presentations and policy briefings concerning the Common Core State Standards Initiative adopted by the Council of Chief State School Officers and the National Governors Association. Other presentations involved Nevada's process for adopting academic standards; programs in other states to provide linkages between principal evaluations and student achievement; alternative pathways to licensure for teachers and principals; utilization of Nevada's State Improvement Plan and school district improvement plans; issues affecting charter schools; use of Nevada's In\$ite financial accountability program; empowerment schools in Nevada; and miscellaneous K-12 funding and personnel matters.

The members also reviewed other national and State education reform activities, including Nevada's activities with regard to science, technology, engineering and mathematics subjects, and the State's strategy for the equitable distribution of teachers, required under NCLB's Highly Qualified Teacher provisions. The Committee on Education accepted the annual report of the Legislative Bureau of Educational Accountability and Program Evaluation (LeBEAPE), and it also approved work plans and budgets for two other entities created by NERA: (1) the Council to Establish Academic Standards for Public Schools; and (2) the Commission on Educational Technology. Regular presentations were made by the Regional Professional

Development Programs and representatives of the Nevada System of Higher Education concerning their potential roles in the State's application for RTTT funds.

The Committee held two work sessions. The first was held on December 17, 2009, to consider recommendations specific to Nevada's eligibility to apply for RTTT funds. The Committee recommended that the NRS be revised to allow the use of student achievement data to be considered, but not be the sole criterion, in evaluating performance of teachers or in taking disciplinary action against an employee. The Legislature met in a special session in February and, among its other actions, it adopted legislation that made this change. At that point Nevada became eligible to apply for the RTTT grant.

A second work session was held on May 12, 2010, to review multiple education topics, including further recommendations related to Nevada's RTTT application. The Committee members reviewed a series of recommendations to help bring Nevada into alignment with the RTTT fund priorities. These changes will also assist Nevada in complying with the blueprint issued in the spring of 2010 by the United States Department of Education for the federal funding the states receive under proposed revisions to NCLB. Committee members reviewed and took action on proposals concerning charter schools; empowerment schools and school choice; education accountability and assessment; K-12 education funding and budget matters; K-12 education personnel; and miscellaneous K-12 public education matters, including school textbooks, school district boards of trustees, adjusted diplomas for disabled students, collective bargaining, flexibility in the number of instructional days, and class-size reduction. The Committee approved numerous letters and statements in its final report related to those topics, as well as bill draft requests relating to RTTT, charter schools, empowerment schools, K-12 personnel, school textbooks, and adjusted adult diplomas. As in the past, a separate appropriation for the regional training programs was also recommended.

## SUMMARY OF RECOMMENDATIONS

### LEGISLATIVE COMMITTEE ON EDUCATION

*Nevada Revised Statutes 218E.605*

The following is a summary of the recommendations for bill draft requests (BDRs) adopted by the Legislative Committee on Education (LCE) for transmittal to the 76th Session of the Nevada Legislature.

#### **PROPOSALS RELATED TO RACE TO THE TOP CRITERIA**

1. Include a statement in the final report urging the Superintendent of Public Instruction to, when establishing the State system for a growth model for teacher evaluations, give consideration to the length of time during the school year a student has been at the school and in the classroom.
2. Send a letter from the LCE to the State Board of Education and to the Superintendent of Public Instruction expressing the support of the LCE for ensuring that the assessment model to be used in evaluating teachers provides for tests that present an accurate measure of student academic growth and will provide a measurement that is geared toward assessing the quality of the educator in the classroom. Further, express the sense of the LCE that the State Board and the Superintendent must ensure that all subject matters and grade levels be included.
3. Send a letter from the LCE to the Superintendent of Public Instruction requesting the Department of Education (DOE) include in its application for Race to the Top program funds, utilization of a portion of the State's share of those funds, to the extent authorized, to implement programs to assist the most at-risk youth to improve their access to education.

#### **PROPOSALS RELATING TO CHARTER SCHOOLS**

4. Send a letter from the LCE to the Governor with copies to the chairs of the Senate Committee on Finance and the Assembly Committee on Ways and Means, expressing the support of the LCE for the continued funding of the charter school staff positions in the DOE provided by the Legislature.
5. Include a statement in the final report in support of encouraging the Regional Professional Development Programs to make a concerted effort to target the staff of charter schools for the professional development activities that it offers, including leadership training for charter school administrators.

## **PROPOSALS RELATING TO EMPOWERMENT SCHOOLS AND SCHOOL CHOICE**

6. Amend statutes to remove the prospective expiration of the empowerment schools statutes. **(BDR 34–86)**
7. Amend the empowerment school statutes to remove the cap on the number of empowerment schools statewide. Further, provide that each school district must provide the Superintendent of Public Instruction with a timetable and process to convert all of its public schools to empowerment schools before July 1, 2013. Further, provide that empowerment schools are not required to revert surplus funds from State appropriations for empowerment. **(BDR 34–86)**
8. Send a letter from the LCE to each of the presidents of Nevada’s school district boards of trustees encouraging the adoption of policies and programs pursuant to Nevada’s site-based management statutes.

## **PROPOSALS RELATING TO ACCOUNTABILITY AND ASSESSMENT**

9. Amend the statutes concerning the State Improvement Plan (SIP) to change the due date for reporting the SIP from December 15 to January 15 of each year. **(BDR 34–87)**
10. Amend the statutes concerning the SIP to require that the Plan include a five-year planning component for recurring issues; further specify that such a component of the Plan build upon data from prior years and track measurable goals. **(BDR 34–87)**
11. Amend statutes to allow for the later administration of the Statewide Criterion Referenced Tests used to determine if schools are making Adequate Yearly Progress (AYP), providing the districts at least another 30 days of instruction prior to testing. Revise the AYP preliminary and final reporting deadline from June to accommodate this change. **(BDR 34–87)**
12. Send a letter from the LCE to the Superintendent of Public Instruction noting that the Superintendent is required to consult with various representatives of the education community, including the Nevada State Education Association (NSEA), concerning their recommendations regarding school and district accountability reports. Request that the Superintendent consult with the NSEA and these other entities with regard to the method of determining average class size.

## **PROPOSALS RELATING TO FUNDING AND BUDGET MATTERS**

13. Provide an appropriation of \$7,797,804 in both Fiscal Year (FY) 2010 and FY 2011, from the State General Fund to the Distributive School Account (DSA) for transfer to the three school districts serving as fiscal agents for the continuation of the three Regional

Training Programs (RTPs). Further provide a \$100,000 appropriation for each of those fiscal years to continue statewide training for educational administrators. In addition, provide a \$100,000 appropriation to contract with a consultant to review the evaluations of the RTPs. **(BDR S-88)**

14. Amend statutes to establish the K-12 Public Education Stabilization Account. Provide that funding which reverts back to the State DSA at the end of odd-numbered years would instead be transferred to the Stabilization Account. The Superintendent of Public Instruction would be authorized to request a transfer of funds from the Stabilization Account to the DSA when there is a shortfall in the DSA. **(BDR 31-89)**
15. Amend statutes to allow the Superintendent of Public Instruction to grant a waiver from the requirement that a school year consist of 180 school days. If the Superintendent makes a determination of economic hardship, the Superintendent may issue a waiver for up to ten days from that requirement if it is used in lieu of staff layoffs. **(BDR 34-91)**
16. Adopt a resolution urging Nevada's Congressional Delegation to enact the necessary legislation to grant additional school trust lands to the State. **(BDR R-90)**
17. Send a letter from the LCE 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 following education programs: planning for and establishment of empowerment schools; biennial funding of educational technology; career and technical education; RTPs; grants by the Commission on Educational Excellence; the DOE's parental involvement coordinator; the DOE's school empowerment coordinator; and funding for the Parental Involvement Council.
18. Send a letter from the LCE to the Superintendent of Public Instruction requesting the DOE to study the cost and practicality of converting or amending the Nevada Plan for school finance to allow for additional "weighted" formulas which take into account the extraordinary needs of hard-to-serve students.
19. Send a letter from the LCE to the Governor with copies to the chairs of the Senate Committee on Finance and the Assembly Committee on Ways and Means, expressing the support of the LCE that funding should be provided to continue to fund or expand programs which are effective in improving student achievement.

#### **PROPOSALS RELATING TO EDUCATIONAL PERSONNEL**

20. Amend the statutes governing school district evaluations of teachers and principals to require the use of certain student achievement data in these evaluations, with growth in student achievement accounting for at least 33 percent of the evaluation. Further, revise evaluation classifications so that teachers and principals are identified as "highly effective," "effective," and "ineffective." **(BDR 34-93)**

21. Amend statutes to require that, upon the request of a school district, charter schools shall transmit the personnel records of employees who have taken a leave of absence from a district and returned to employment with that district. **(BDR 34-93)**
22. Amend statutes to specify that retired teachers rehired under the critical labor shortage provisions of statute may be hired by the school district at the rate of pay assigned to beginning teachers without experience. **(BDR 23-541)**

#### **PROPOSALS RELATING TO MISCELLANEOUS MATTERS**

23. Require, by statute, that the State Board of Education adopt regulations to prescribe an adjusted adult diploma and set forth the requirements for receipt of an adjusted adult diploma for pupils with an Individualized Education Program prior to turning age 18. **(BDR 34-92)**
24. Include a statement in the final report emphasizing the importance of representation from the Nevada Association of School Boards on all committees and groups formed by the Legislature to address issues involving K-12 public education. Future legislation creating such bodies, as well as legislation amending statutes concerning existing bodies, should consider adding such representatives.

BULLETIN NO. 11-16

**LEGISLATIVE COMMITTEE ON CHILD WELFARE AND JUVENILE JUSTICE**

*Nevada Revised Statutes 218E.705*

**Members**

Assemblywoman Sheila Leslie, Chair  
Senator Valerie Wiener, Vice Chair  
Senator Barbara K. Cegavske  
Senator Allison Copening  
Assemblyman John Hambrick  
Assemblywoman April Mastroluca

**Staff Contacts**

Fiscal Analysis Division:  
Rex Goodman, Principal Deputy Fiscal Analyst  
Donna Thomas, Management Assistant  
(775) 684-6821

Legal Division:  
Nicolas C. Anthony, Senior Principal Deputy Legislative Counsel  
Sara L. Partida, Principal Deputy Legislative Counsel  
(775) 684-6830



*Nevada Revised Statutes*

**NRS 218E.705 Creation; membership; budget; officers; terms; vacancies.**

1. The Legislative Committee on Child Welfare and Juvenile Justice is hereby created. The membership of the Committee consists of three members of the Senate and three members of the Assembly, appointed by the Legislative Commission.

2. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.

3. The Legislative Commission shall select the Chair and Vice Chair 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 position of Chair of the Committee must alternate each biennium between the Houses of the Legislature. If a vacancy occurs in the position of Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

4. A member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session of the Legislature convenes.

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

(Added to NRS by 2009, 2545)



## ABSTRACT

### LEGISLATIVE COMMITTEE ON CHILD WELFARE AND JUVENILE JUSTICE

#### *Nevada Revised Statutes 218E.705*

Senate Bill No. 3, as passed by the 75th Session of the Nevada Legislature, amended the *Nevada Revised Statutes* (NRS) to establish the Legislative Committee on Child Welfare and Juvenile Justice. Pursuant to this statutory authority, the Committee is charged to:

1. Evaluate and review issues relating to the provision of child welfare in the State, including, without limitation:
  - Programs for the provision of child welfare services;
  - Licensing and reimbursement of providers of foster care;
  - Mental health services; and
  - Compliance with federal requirements regarding child welfare.
2. Evaluate and review issues relating to juvenile justice in this State, including, without limitation:
  - The coordinated continuum of care in which community-based programs and services are combined to ensure that health services, substance abuse treatment, education, training and care are compatible with the needs of each juvenile in the juvenile justice system;
  - Individualized supervision, care and treatment to accommodate the individual needs and potential of the juvenile and the juvenile's family, and treatment programs which integrate the juvenile into situations of living and interacting that are compatible with a healthy, stable and familial environment;
  - Programs for aftercare and reintegration in which juveniles will continue to receive treatment after their active rehabilitation in a facility to prevent the relapse or regression of progress achieved during the recovery process;
  - Overrepresentation and disparate treatment of minorities in the juvenile justice system, including, without limitation, a review of the various places where bias may influence decisions concerning minorities;
  - Gender-specific services, including, without limitation, programs for female juvenile offenders which consider female development in their design and implementation and

which address the needs of females, including issues relating to: (a) victimization and abuse; (b) substance abuse; (c) mental health; (d) education; and (e) vocational and skills training;

- The quality of care provided for juvenile offenders in State institutions and facilities, including, without limitation, the: (a) qualifications and training of staff; (b) documentation of the performance of State institutions and facilities; (c) coordination and collaboration of agencies; and (d) availability of services relating to mental health, substance abuse, education, vocational training and treatment of sex offenders, and violent offenders;
- The feasibility and necessity for the independent monitoring of State institutions and facilities for the quality of care provided to juvenile offenders; and
- Programs developed in other states which provide a system of community-based programs that place juvenile offenders in more specialized programs according to the needs of the juveniles.

During the 2009-2010 Interim, the Committee conducted five meetings, including one work session. The first four Committee meetings were held in Las Vegas, Nevada, with videoconferencing to Carson City, Nevada, and the fifth meeting was videoconferenced between Las Vegas and Carson City with Committee members attending at both locations. Committee members also participated in an informational tour of the Summit View Youth Correctional Center in North Las Vegas in December 2009, approximately five months before the facility was closed pursuant to the actions of the 26th Special Session of the Legislature.

During the course of its work, the Committee considered and discussed issues related to a wide variety of child welfare and juvenile justice topics. Among the topics discussed during the interim were the following:

### **Child Welfare**

- Status of legislation and letters requested by the Interim Study on the Placement of Children in Foster Care (2007-2008 Interim) and regulations promulgated pursuant to Senate Bill 356 (Chapter 290, *Statutes of Nevada 2007*);
- Findings of the recent federal Child and Family Services Review (CFSR) of Nevada's child welfare system;
- Issues identified by the Nevada child welfare agencies;
- Financial Assistance for Former Foster Youth Program, Step-Up, administered by the Child Focus organization;

- Transition of youth aging out of foster care;
- Domestic sex trafficking of minors;
- Child death reviews;
- Implementation of the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351);
- Care of children during disasters;
- Fostering in Faith program, administered by the United Methodist Social Ministries of Las Vegas;
- Community We Will campaign;
- Child prostitution and the prosecution of persons accused of pandering and soliciting children;
- Requiring public notice for hearings on sibling visitation, pursuant to NRS 127.140, related to Assembly Bill 364 (Chapter 111, *Statutes of Nevada 2009*);
- Release of data or information collected pursuant to NRS 432B.290 for use in procedures to establish minor guardianships pursuant to Chapter 159 of NRS;
- Recommendations of the Legislative Auditor's Review of Governmental and Private Facilities for Children, audit number LA10-15, pursuant to NRS 218G.575;
- Establishment of a kinship guardianship assistance program as part of the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351);
- Residency requirements related to the finalization of adoptions;
- Report on the negotiation of the Program Improvement Plan resulting from the 2009 federal CFSR;
- Ten-year strategic plans for children's mental health consortiums, pursuant to NRS 433B.335;
- Representation of the child welfare agency and the role of the district attorney;
- Termination of parental rights, pursuant to Chapter 128 of NRS, and potential impacts on the right to inheritance;

- Programs for foster children and victims of child abuse and neglect provided by Boys Town Nevada and St. Jude's Ranch for Children; and
- Efforts to help victims of child prostitution.

### **Juvenile Justice**

- Issues identified by the Nevada juvenile justice agencies;
- Status of changes that resulted from the Civil Rights of Institutionalized Persons Act inspection performed at Nevada Youth Training Center in February 2002;
- Juvenile justice program enhancements funded by the American Recovery and Reinvestment Act of 2009;
- Statewide implementation of Juvenile Detention Alternatives Initiative reforms;
- Implementation of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248);
- Certification of juvenile offenders: latest research, State trends, and best practices;
- Certification of juvenile offenders: detention of status offenders, and the Juvenile Justice and Delinquency Prevention Act of 1974 related to interdisciplinary sharing of information;
- Juvenile justice programs provided at the Betty K. Marler Youth Services Center, operated by Rite of Passage; and
- Sharing of information between child welfare agencies and juvenile justice courts.

At its fifth meeting on July 19, 2010, the Committee conducted a work session at which it adopted 14 recommendations, 12 of which will be combined into 6 bill draft requests (BDRs) that will be transmitted to the 76th Session of the Nevada Legislature in 2011. The recommendations address a variety of topics, including: child welfare services and programs administered by the State, counties, and private entities; statutes regarding adoption, information sharing, background checks, as well as child prostitution; and a Committee member's separate BDR regarding termination of parental rights. The Committee also recommended requesting a report from Clark County at the beginning of the 2011 Session on the status of its negotiations regarding disputes between the Clark County District Attorney's Office and the Clark County Department of Family Services. The Legislative Commission, at its August 13, 2010, meeting, directed the Legislative Committee on Child Welfare and Juvenile Justice to hold one additional meeting during the first weeks of the 2011 Session to accommodate the recommendation.

## SUMMARY OF RECOMMENDATIONS

### LEGISLATIVE COMMITTEE ON CHILD WELFARE AND JUVENILE JUSTICE

#### *Nevada Revised Statutes 218E.705*

The following is a summary of the recommendations approved by the Legislative Committee on Child Welfare and Juvenile Justice during the 2009-2010 Interim at its July 19, 2010, meeting. At the meeting, the Committee conducted a work session and voted to forward six bill draft requests (BDRs) to the Legislative Commission for transmittal to the 76th Session of the Nevada Legislature in 2011. The Committee also voted to draft a letter to certain entities to request action on a specific issue and to include a statement of support for an independent BDR made by one of the Committee members in the Committee's final report. A summary of each BDR, the letter, and the statement follow.

During the drafting process, specific details of the following proposals for legislation and letter 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.

1. Draft legislation to authorize, but not require, the child welfare agencies in the State to establish a kinship guardianship assistance program, as allowed by the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351). Amend NRS to require Nevada's Department of Health and Human Services (DHHS) to include in the State plan for child and family services a provision for kinship guardianship assistance payments in accordance with Title 42, *United States Code*, Sections 671 and 673(d), including, without limitation, minimum requirements for the kinship guardianship assistance agreements, the amounts that may be paid pursuant to such agreements, additional services that may be provided and any other requirements prescribed by federal law. Further, amend NRS to provide that child welfare agencies may, in accordance with the provisions of the State plan, enter into kinship guardianship assistance agreements. (See NRS 127.186 and 422A.650 for similar programs.) **(BDR 38-196)**
2. Draft legislation to amend NRS 127.060 to allow a court in Nevada to finalize the adoption of a child in the custody of a Nevada child welfare agency without regard to the state of residence of the proposed adopting parents, if the child welfare agency in the state of residence of the proposed adopting parents has agreed to the adoption. Also, provide that the proposed adopting parents may attend the hearing in person or by telephone. **(BDR 11-197)**
3. Draft legislation to require the Division of Child and Family Services (DCFS), DHHS, to develop a plan for the care of children during disasters in circumstances in which the

local child welfare or juvenile justice agency is unable to respond to the needs of children. A summary of the plan must be submitted to the Legislative Committee on Child Welfare and Juvenile Justice and made available on the Division's website. **(BDR 38-198)**

4. Draft legislation to require the DCFS to adopt regulations relating to planning for children during disasters, which prescribe the elements of a disaster plan that must be in place for a foster home, which provides care to a child in this State. **(BDR 38-198)**
5. Issue a letter to Clark County requesting that the County report at a future meeting of the Committee on the progress of negotiations between the Clark County District Attorney's Office and the County Manager's Office regarding resolution of disputes over the role of the District Attorney in child protection cases. The Committee will request that the Legislative Commission order a special meeting of the Committee, to be scheduled during the first weeks of the 2011 Session.
6. Include a statement of support in the Committee's final report for BDR 11-116 (2011 Session), requested by Assemblywoman Mastroluca, regarding revising provisions relating to the termination of parental rights.
7. Draft legislation to amend NRS 127.2827 to require that notice of a hearing to determine whether to include an order for visitation with a sibling in the decree of adoption of a child in the custody of an agency which provides child welfare services, must be provided to any interested party. Also, amend NRS 127.2827 to provide that a hearing to determine whether to include an order for visitation with a sibling must be held at a date and time other than when the petition for adoption is granted. **(BDR 11-197)**
8. Draft legislation to amend Chapters 432 and 432B of NRS to allow child welfare records, including reports, recommendations, and orders, to be disclosed to the Juvenile Delinquency Court for child treatment, custodial, and case planning purposes. **(BDR 38-199)**
9. Draft legislation to amend NRS 201.320 to make it a category B felony (consistent with the penalties for pandering provided in NRS 201.300, 201.330, and 201.340) for living from earnings of a prostitute when the prostitute is a child. **(BDR 15-200)**
10. Draft legislation to amend subsection 1 of NRS 199.480 to add the crimes of pandering a child (NRS 201.300), pandering a child by furnishing transportation (NRS 201.340), trafficking of persons for financial gain (NRS 200.467), and solicitation of a child (subsection 3 of NRS 201.354), to the current list of offenses constituting category B felony conspiracy. **(BDR 15-200)**

11. Draft legislation to amend the appropriate chapters of NRS to require all facilities that provide residential services to children, including: (a) group foster homes which provide full-time care for 7 to 15 children (Chapter 424 of NRS); (b) child care facilities or institutions (Chapter 432A of NRS); (c) mental health treatment facilities, which will include any medical facility, residential facility for groups, agency to provide personal care services in the home or home for individual residential care that provides residential mental health services to children (Chapter 449 of NRS); (d) substance abuse treatment facilities (Chapters 449 and 641C of NRS); (e) detention and correction facilities at the State and local levels (Chapters 62G and 63 of NRS); and (f) resource centers (TBD) to obtain and receive the results of State and federal fingerprint background checks for all employees prior to allowing the employees to have independent unsupervised access to the children in those facilities. **(BDR 38–201)**
12. Draft legislation to amend the appropriate chapters of NRS (identified with group foster homes; substance abuse treatment facilities; detention and correction facilities; and resource centers under Recommendation No. 11 above) to specify the offenses for which a prior conviction would exclude a person from obtaining employment at a facility that provides residential services to children. Include offenses that currently prohibit a person from being employed by a child care facility under NRS 432A.170. **(BDR 38–201)**
13. Draft legislation to require all facilities that provide residential services to children to maintain the results of the background check for each employee for as long as that person remains employed by the facility. This recommendation would amend the appropriate chapters of NRS (identified with group foster homes; mental health treatment facilities; substance abuse treatment facilities; detention and correction facilities; and resource centers under Recommendation No. 11 above) to provide a similar requirement such as the current law requiring child care facilities to maintain records of its employees under NRS 432A.1785. **(BDR 38–201)**
14. Draft legislation to require background checks to be obtained periodically for persons remaining employed at a facility for a specified time. This recommendation would amend the appropriate chapters of NRS (identified with group foster homes; child care facilities or institutions; substance abuse treatment facilities; detention and correction facilities; and resource centers under Recommendation No. 11 above) to provide a similar requirement such as the current law requiring mental health treatment facilities to complete background checks for its employees every five years under NRS 449.179. **(BDR 38–201)**



BULLETIN NO. 11-17

**LEGISLATIVE COMMITTEE ON SENIOR CITIZENS,  
VETERANS AND ADULTS WITH SPECIAL NEEDS**

*Nevada Revised Statutes 218E.750*

**Members**

Assemblywoman Kathy McClain, Chair  
Senator Shirley A. Breeden, Vice Chair  
Senator Dennis Nolan  
Senator Joyce L. Woodhouse  
Assemblywoman Ellen B. Spiegel  
Assemblyman Lynn D. Stewart

**Staff Contacts**

Research Division:

Amber J. Joiner, Senior Research Analyst  
Ricka Benum, Senior Research Secretary  
(775) 684-6825

Legal Division:

Risa B. Lang, Chief Deputy Legislative Counsel  
Natalee M. Binkholder, Deputy Legislative Counsel  
(775) 684-6830



*Nevada Revised Statutes*

**NRS 218E.750 Creation; membership; budget; officers; terms; vacancies.**

1. The Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs, consisting of six members, is hereby created. The membership of the Committee consists of:

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

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

2. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.

3. The Legislative Commission shall select the Chair and Vice Chair 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 position of Chair of the Committee must alternate each biennium between the Houses of the Legislature. If a vacancy occurs in the position of Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

4. A member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session of the Legislature convenes.

5. A vacancy on the Committee must be filled in the same manner as the original appointment for the remainder of the unexpired term.

(Added to NRS by 2009, 2412)



## ABSTRACT

### **LEGISLATIVE COMMITTEE ON SENIOR CITIZENS, VETERANS AND ADULTS WITH SPECIAL NEEDS**

*Nevada Revised Statutes 218E.750*

During the 75th Legislative Session, the Nevada Legislature passed Assembly Bill 9 (Chapter 430, *Statutes of Nevada 2009*), which provided for the creation of a new statutory committee, the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs. The measure authorized the Committee to review, study, and comment on issues relating to senior citizens, veterans, and adults with special needs, including, but not limited to: initiatives to ensure financial and physical wellness; abuse, neglect, isolation, and exploitation; public outreach and advocacy; programs for the provision of services and methods to enhance programs to ensure that services are provided in the most appropriate setting; programs that provide services and care in the home; the availability of useful information and data as needed for the State to effectively make decisions, plan budgets, and monitor costs and outcomes of services; laws relating to the appointment of a guardian, including the improvement of investigations relating to guardianships and systems for monitoring guardianships; and the improvement of facilities for long-term care in Nevada.

The Legislative Commission appointed six members to the Committee, including Assemblywoman Kathy McClain (Chair), Senator Shirley A. Breeden (Vice Chair), Senator Dennis Nolan, Senator Joyce Woodhouse, Assemblywoman Ellen B. Spiegel, and Assemblyman Lynn D. Stewart. The Committee met four times in Las Vegas at the Grant Sawyer State Office Building, on January 20, March 10, April 14, and June 15, 2010. All four meetings were broadcast live on the Internet and videoconferenced to the Legislative Building in Carson City, which allowed testimony from both locations.

During the course of the interim, representatives from State and local agencies; businesses; community groups; nonprofit organizations; professional organizations; and the public provided testimony on a wide range of topics relating to senior citizens, veterans, and adults with special needs. During the first meeting on January 20, 2010, the Committee heard testimony relating to the work of the Strategic Planning Accountability Committee for Seniors; the economic and fiscal impact of Nevada's senior population; issues relating to the licensing of long-term care facilities and administrators; the work of the Nevada Long-Term Care Ombudsman; long-term care for veterans in Nevada; the work of the Nevada Health Care Association; the care provided to patients with Alzheimer's disease residing in long-term care facilities; and rape in long-term care facilities.

At the second meeting on March 10, 2010, the Committee heard testimony relating to the work of the Guardianship Steering Committee; the use of guardianships in the justice system; law enforcement procedures for investigating the abuse, neglect, isolation, and exploitation of senior citizens and adults with special needs; the procedure for prosecuting cases of abuse, neglect, isolation, and exploitation of senior citizens and adults with special needs; an update

on the cases of abuse, neglect, isolation, and exploitation reported to the Central Repository for Nevada Records of Criminal History; an update on the progress of the transfer of protective services from Clark County to the State of Nevada; and the work of Nevada's Elder Abuse Task Force.

Testimony during the third meeting on April 3, 2010, related to topics such as the prevention of the abuse, neglect, isolation, and exploitation of senior citizens and adults with special needs; demographics relating to crimes against senior citizens; the results of Nevada's Office of Veterans' Services' Legislative Symposium; women veterans in Nevada; the veterans' court calendar in Clark County and the veterans' court in Washoe County; services for adults with physical disabilities and adults with developmental disabilities in Nevada; and a summary of key provisions relating to senior citizens, veterans, and adults with special needs in recent federal health care reforms.

During the fourth and final meeting on June 15, 2010, the Committee held a work session, during which the members considered 37 recommendations. The members voted to forward ten bill draft requests (BDRs) to the 76th Session of the Nevada Legislature and to write seven letters to various entities expressing their support for specific issues. The bill drafts relate to the following topics:

1. Procedures and requirements relating to guardianships for seniors citizens, veterans, and adults with special needs;
2. The authority of public guardians relating to access to the records of potential adult wards;
3. Multidisciplinary teams that review allegations of abuse, neglect, exploitation, or isolation of older persons and vulnerable persons;
4. The Repository for Information Concerning Crimes Against Older Persons;
5. Elder abuse prevention and reporting training for personnel in certain facilities;
6. Quality of care and licensing requirements for certain residential facilities;
7. Inspections and quality of care in facilities for long-term care;
8. Requirements relating to guardianships for veterans;
9. Special license plates for certain veterans; and
10. Funeral home reporting of unclaimed remains of persons who may be veterans.

## SUMMARY OF RECOMMENDATIONS

### LEGISLATIVE COMMITTEE ON SENIOR CITIZENS, VETERANS AND ADULTS WITH SPECIAL NEEDS

#### *Nevada Revised Statutes 218E.750*

On June 15, 2010, during the fourth and final meeting of the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs (*Nevada Revised Statutes* [NRS] 218E.750), the members conducted a work session and voted to forward ten bill draft requests (BDRs) to the 2011 Legislative Session. The Committee members also voted to have seven 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 Committee's final report. A summary of each BDR and letter follows, while the statements of support will appear in the Committee'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 letter includes reference to specific chapters or statutes of the 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 amending the NRS relating to guardianships. At the Committee's June 15, 2010, meeting, the Guardianship Steering Committee presented several proposals relating to guardianships in the form of a nine-page bill mockup. The Committee voted to forward many of those proposals, as well as some provided by others, to the next legislative session. Specifically, the Committee approved revisions relating to the following topics:
  - Provide a procedure for guardians to access the accounts of a ward and require financial institutions to comply with court orders relating to accounts;
  - Provide that a court may require a guardian to attend guardianship training, if available;
  - Authorize the appointment of a guardian ad litem to advocate for the ward's best interest and define the appointment, duties, and compensation for guardians ad litem;
  - Revise provisions relating to court costs and attorney compensation in guardianship cases;

- Provide that a qualified party who is not a physician may inform a proposed adult ward that a petitioner is requesting a court appointed guardian and inform the proposed ward of the right to be represented by counsel. Also provide that a qualified party who is not a physician may solicit from the proposed ward a response to the petition for guardianship and additional information and preferences concerning the guardianship;
  - Standardize the type of information required to be included on forms used in the guardianship process; however, allow each jurisdiction to create their own forms;
  - Revise provisions relating to wards who own or purchase firearms that the court determines are a risk to themselves or others;
  - Require that private professional guardians who are not attorneys undergo a fingerprint background investigation at their own expense;
  - Require every guardian to make and file a verified guardian’s acknowledgement of duties and responsibilities and require guardians to agree to operate under a nationally recognized code of ethics and certain standards of practice;
  - Clarify that placement of the ward in a facility is a duty of the guardian of the person, not the guardian of the estate;
  - Provide that a guardian shall not be removed if the sole reason for removal is the lack of funding to pay the guardian’s fees; and
  - Provide in NRS 159.0535 that videoconferenced appearances for guardianship hearings may be used “if available” so that videoconferencing is an option only if the technology is available. **(BDR 13–156)**
2. Draft legislation to amend guardianship provisions in Chapters 159 and 253 of the NRS, as appropriate, to authorize a public guardian to inspect all records pertaining to a potential ward, even before a guardianship is established. Such records include, but are not limited to, that person’s medical and financial records. This authority would be used for the purpose of investigating an alleged case of exploitation or to determine when a public guardianship is appropriate. Although there was testimony that guardians may already have this authority in a different chapter (Chapter 253 of NRS), concern was raised that in practice the public guardians do not have statutory authority to get all records in a timely manner. The Committee voted to make clear in the law that public guardians are authorized to have direct and timely access to bank records, physician records, and any other records necessary to determine if a guardianship may be appropriate. **(BDR 23–157)**

3. Draft legislation to require the Office of the Attorney General to organize or sponsor one or more multidisciplinary teams (MDTs). Currently, NRS 228.270 provides that the Unit for the Investigation and Prosecution of Crimes Against Older Persons in the Office of the Attorney General “may” organize or sponsor one or more MDTs to review any allegations of abuse, neglect, exploitation, or isolation of an older person. Change “may organize or sponsor” to “shall support the organization of or sponsor.” In addition, amend subsection 2 of NRS 228.270 to include “vulnerable persons” among those who may be served by a MDT (currently this subsection only pertains to older persons). This amendment would make NRS 228.270(2) consistent with NRS 200.5091 through NRS 200.50995, which refer to abuse, neglect, exploitation, or isolation of older persons and vulnerable persons. Also add language that requires entities such as local government and State agencies to participate in MDTs. **(BDR 18–153)**
  
4. Draft legislation clarifying the provisions of NRS 179A.450 to improve the usefulness of the data in the Repository for Information Concerning Crimes Against Older Persons. Make the following revisions to NRS 179A.450:
  - Make it clear that only those crimes where older persons are targeted should be reported to the Repository, not crimes that incidentally involve an older person. Currently, the Repository receives reports when arrests occur relating to crimes that *involve* elderly people, such as a burglary of a house that happens to be owned by an older person. In order to collect information about crimes *targeting* elderly people, cross reference the definitions in NRS 200.5092 relating to elder abuse, neglect, exploitation, and isolation; and
  
  - Change permissive language to a mandate relating to the types of reports to be submitted to the Repository. Subsection 2 of NRS 179A.450 states that the Repository “must contain a complete and systematic record of all reports of crimes against older persons committed in this State.” However, the Repository is currently only receiving arrest reports from some law enforcement agencies and reports of cases that the Aging and Disability Services Division (ADSD), Department of Health and Human Services (DHHS), forwards to law enforcement agencies for investigation. In order to receive more types of reports, change “may” to “shall” to mandate that all the types of reports currently listed in subsection 2 of NRS 179A.450 be forwarded to the Repository. If necessary, strengthen the mandate that law enforcement and reporting agencies forward the reports to the Repository, and make clear the penalty that results if they do not report. Finally, authorize the Department of Public Safety to adopt regulations that facilitate the collection of other types of reports of crimes against older persons through collaboration with the ADSD, offices of district attorneys, law enforcement agencies, and other relevant organizations. **(BDR 14–154)**

5. Draft legislation directing the State Board of Health to adopt regulations to require mandatory elder abuse training for all personnel who work directly with residents, including owners and administrators, in facilities for the dependent (as defined in NRS 449.0045), facilities for long-term care (as defined in NRS 427A.028 but not subsection 5 of NRS 427A.028), and facilities for the care of adults during the day (as defined in NRS 449.004). The Committee voted to include the following requirements, the details of which will be determined through regulations:
  - The training content must be related to how to identify and report elder abuse, including sexual assault, and the content must be from an accredited or approved training course (the number of hours required will be determined by regulation);
  - The training must be obtained before the person's first day of work;
  - Continuing education and training must be obtained annually, which must include updates relating to recent changes in relevant laws;
  - Online training should be an option but must not be required;
  - The facility must pay for the training; and
  - Training will be enforced by tying the training of employees to an administrator's license (with the potential of administrators losing their license if employees are not trained). **(BDR 40-155)**
  
6. Draft legislation revising provisions relating to quality of care in certain facilities for older persons and persons with disabilities in the following ways:
  - Direct the Health Division, DHHS, to adopt regulations requiring facilities for long-term care to allow residents to return to the facility after a short hospitalization, unless there are no beds available;
  - Improve the transparency of ownership and administration in residential facilities by requiring that the names and contact information of the actual owners and administrators be posted at the facility and included in licensing documents. Specifically, contact information for all the individuals in the highest level of the facility's hierarchy must be included, such as the owners, administrators of record, administrators on-site (if different from the administrator of record), and managers, as applicable depending upon each facility's structure. If a corporation owns a facility, the names and contact information for that company's officers must be provided;

- Direct the Health Division, to adopt regulations establishing a uniform assessment tool that is required to be used for each type of facility for long-term care (skilled nursing, assisted living, and group homes). The tool will assess the level of care needed for each resident, including their physical and mental capabilities and medical condition. Currently, each facility has its own assessment tool. The goal of the standardized assessment tool is to give regulators and ombudsmen the ability to judge the appropriateness of the care the resident is receiving in a more objective manner; and
  - Require the Health Division to adopt by regulation standards relating to best practices for nursing and staff ratios in skilled nursing facilities. National standards should be identified and used, if available; otherwise, the Health Division must define ideal staffing ratios for Nevada. The regulations must also require facilities to make information about their staffing levels available to consumers in a format so that a person looking for a facility could determine how well that facility is meeting these best practice standards in comparison to other facilities. The regulations should specify the method of making this information available to consumers, one of which could be publishing it online through the Health Division’s website. **(BDR 40-158)**
7. Draft legislation directing the Health Division, to perform the following acts with respect to facilities for long-term care:
- Increase the frequency of facility inspections to three or four times per year for each facility and close a facility after two warnings relating to an uncorrected deficiency. Add a requirement that facilities must pay a fee in order to cover the cost of the more frequent inspections;
  - Require that if requested by a patient, family member, guardian, or payer of services, a facility must provide them with an itemized “patient care accountability statement” that specifically lists the amount spent on all care for the patient, including items such as (but not limited to) food, medicine, and services;
  - Require that if a facility is found to have deficiencies of any kind by the Bureau of Health Care Quality and Compliance (BHCQC), Health Division, the patients, family members, guardians, payer of care, or other person designated by the patient must be notified immediately that the facility has been found to be deficient in specific areas; and
  - Adopt regulations to carry out the above requirements. **(BDR 40-159)**

8. Draft legislation to revise the guardianship process for veterans in the following ways:
  - Provide that if a ward is a veteran who receives funds from the Veterans Administration (VA), then all of the ward's money should be handled under the guardianship provisions of Chapter 160 of NRS. Currently, some veterans have two guardianships and follow two sets of rules relating to the procedure for administering their money, because they receive some money from the VA, which is covered under Chapter 160 of NRS, and some money from Social Security or other sources, which is covered under Chapter 159 of NRS; and
  - Revise NRS 160.120 and any other provisions relating to veteran guardianships for veterans to indicate that compensation payable to a guardian must not exceed 4 percent of the income of the ward during any year. Remove the option for guardians to petition the court for additional compensation. **(BDR 13-160)**
9. Draft legislation relating to special license plates for veterans, including the following:
  - Change the disabled veteran license plate to a universally recognized handicap parking plate with a distinctive design that includes a handicapped symbol and "DV";
  - Remove the limitation on the number of specialty plates a veteran may have;
  - Revise the form of all the armed forces special license plates to allow the addition of a disabled veteran designation, which would provide all the benefits associated with the disabled veteran plate (such as free parking in certain places); and
  - Create a license plate honoring veterans who are women. **(BDR 43-161)**
10. Draft legislation mandating that funeral homes report the unclaimed human remains of persons who might be veterans to Nevada's Office of Veterans' Services (NOVS) within a year after the person's death. This will enable the NOVS staff to research the cases of people who might be veterans and collect the remains of those found to be veterans for proper burial. **(BDR 54-162)**

## LETTERS

11. Write a letter to the Attorney General and other entities involved in multidisciplinary teams to encourage the creation and participation in MDTs.

12. Write a letter urging the DHHS to organize an advocacy response team comprised of members from the ADSD, BHCQC, and the Division of Health Care Financing and Policy (DHCFP), DHHS (if the resident receives Medicaid). The purpose of the team will be to respond quickly to alleged cases of extreme abuse, neglect, isolation, or exploitation of older persons in facilities for long-term care in order to protect the resident and ensure that a proper investigation occurs.
13. Write a letter to Nevada's Congressional Delegation requesting that they amend the Medicare Adult Day Care Services Act of 2009 (H.R. 3043) to ensure appropriate funding of adult day health care services and non-emergent transportation for adult day health care services. The requester suggests the following language be inserted: "No funds shall be appropriated for the Secretary of Health and Human Services to withhold, suspend, disallow, or deny federal financial participation under Section 1903(a) of the Social Security Act for adult day health care services or medical adult day care services and non-emergent transportation for adult day care health care services as defined under a State Medicaid plan approved during or before 1994, or withdraw federal approval of any such State Plan provision. This [subsection] shall apply to Fiscal Year 2011 and each fiscal year thereafter."
14. Write a letter supporting the work of the Nevada Silver Haired Legislative Forum (NRS 427A.320 through 427A.400) in its efforts to research and propose the creation of a voluntary statewide alert system for endangered adults. Such an alert system would authorize law enforcement agencies, broadcast organizations, and other voluntary organizations to share descriptive information about the endangered adult. The Committee encourages the Forum to create a feasible proposal and find a sponsor for legislation to be introduced on this topic during the 76th Legislative Session.
15. Write a letter to the ADSD and the Senior Services Strategic Plan Accountability Committee encouraging them to partner with the Alzheimer's Association and other appropriate agencies and interested parties to create a Nevada State Plan for best meeting the needs of persons with Alzheimer's disease and related dementias, their families, and caregivers. The Nevada State Plan for Alzheimer's disease should include recommendations that could be proposed to the Legislature that will comprehensively address the related issues in the State of Nevada. The letter will also encourage these entities to consider the issue of parity between services for persons with disabilities and services for older persons. Some persons with dementia or who are disabled but then become senior citizens may experience gaps in service when they move from one category of services to another. Ways to provide seamless transitions should be examined and recommended.
16. Write a letter urging the DHCFP to maximize opportunities to apply for grants provided by the new federal Patient Protection and Affordable Care Act (H.R. 3590) (Public Law 111-148). At minimum, the State should pursue the following three options at the earliest possible date:

- Health Homes (Section 2703): Under this option, one central provider is responsible for coordinating a patient's care, with the goal of improving health outcomes and reducing expenditures for Medicaid enrollees with chronic conditions. This option offers a Federal Medical Assistance Percentage (FMAP) of 90 percent for two years, and funds will be available in January 2011;
  - Community First Choice Option (Section 2401): This option offers attendant care services in the State Plan under a 1915(i) option, and may include expenditures for transition costs from an institution and for items that substitute for human assistance. It allows a 6 percent increase in FMAP for those who are Medicaid eligible and certain others who have an institutional level of care; and
  - Removal of Barriers to Providing Home- and Community-Based Services (Section 2402): This option offers regulatory changes to ensure service systems are responsive, provide support for self-direction, and improve provider coordination; expansion of services that can be provided under 1915(i) to more closely align with services that can be provided under 1915(c) Home- and Community-Based Waivers; expansion of eligibility based upon income, and an optional new Medicaid eligibility group specific to 1915(i); and a waiver of comparability, an ability to target services, no enrollment caps, and no waiver of statewideness.
17. Write a letter encouraging the standing committees with jurisdiction over health and human services topics in each house of the 76th Session of the Nevada Legislature to invite presentations relating to the needs of persons with Alzheimer's disease and related dementias, their families, and caregivers.

BULLETIN NO. 11-18

**LEGISLATIVE COMMITTEE ON HEALTH CARE**

*Nevada Revised Statutes 439B.200*

**Members**

Senator Valerie Wiener, Chair  
Assemblywoman Peggy Pierce, Vice Chair  
Senator Allison Copening  
Senator Maurice E. Washington  
Assemblyman Joseph (Joe) P. Hardy, M.D.  
Assemblywoman Ellen B. Spiegel

**Staff Contacts**

Research Division:

Marsheilah D. Lyons, Principal Research Analyst  
Marjorie Paslov Thomas, Principal Research Analyst  
Jennifer Chisel, Senior Research Analyst  
Melinda Martini, Senior Research Analyst  
Sally Trotter, Senior Research Secretary  
(775) 684-6825

Legal Division:

Sara L. Partida, Principal Deputy Legislative Counsel  
(775) 684-6830



*Nevada Revised Statutes*

**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 the member 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 review and approve the budget and work program for the Committee and any changes to the budget or work program. The Legislative Commission shall select the Chair and Vice Chair 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 office of the Chair of the Committee must alternate each biennium between the houses of the Legislature.

5. Any member of the Committee who does not become a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special 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; 2009, 1154, 1568)



## 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, 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 primary responsibilities of the LCHC are established pursuant to NRS 439B.220 through 439B.240. These responsibilities include: (a) reviewing and evaluating the quality and effectiveness of programs for the prevention of illness; (b) reviewing and comparing the costs of medical care among communities in Nevada with similar communities in other states; and (c) analyzing the overall system of medical care in the State. In addition, members strive to avoid duplication of services and achieve the most efficient use of all available resources. The LCHC may also review health insurance issues, as well as examine hospital-related issues, medical malpractice issues, and the health education system.

Further, certain entities are required by statute to submit reports to the LCHC, including:

- A report of the activities and operations of the Division of Health Care Financing and Policy, Department of Health and Human Services (DHHS), concerning the review of health care costs. The report must be submitted on or before October 1 of each year as required by NRS 449.520.
- An annual report concerning the review of the health and health needs of the residents of this State and a system to rank the health problems of the residents of this State, including, without limitation, the specific health problems that are endemic to urban and rural communities and the allocations of money from the Fund for a Healthy Nevada pursuant to NRS 439.630 to determine whether the allocations reflect the needs of this State and the residents of this State.
- A quarterly report, as required by NRS 450B.795, from the State Board of Health regarding its finding in the study concerning the cause of excessive waiting time for a person to receive emergency services and care from a hospital after being transported to the hospital by a provider of emergency medical services.
- A quarterly report as required by NRS 422.2728, from the DHHS concerning program benefits provided through the Health Insurance Flexibility and Accountability waiver.

The LCHC held a total of eight meetings, including a work session. All public hearings were 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. The summaries of testimony and exhibits are available online at: <http://leg.state.nv.us/Interim/75th2009/Committee/StatCom/HealthCare/?ID=18>.

A variety of issues were addressed at the meetings of the LCHC. A report of the Committee's activities during the 2009-2010 Interim has been prepared. This document provides background information and discusses only those issues for which the LCHC made recommendations. These issues relate to:

- A. Height and Weight of Children;
- B. Medical Assistants;
- C. Abuse of Prescription Narcotic Drugs in Nevada;
- D. Health Professional and Occupational Licensing Boards;
- E. Local Alcohol and Substance Abuse Prevention Coalitions;
- F. Federal Health Care Reform and Reauthorization Legislation;
- G. Federal School Nutrition Programs;
- H. System for the Payment of Medical Services;
- I. Near-Miss Events That Occur in Medical Facilities; and
- J. Postgraduate Education for a License to Practice Medicine.

At the eighth meeting, members conducted a work session at which they adopted ten recommendations to be included in seven bill draft requests (BDRs). The BDRs concern: (1) the establishment of a statewide school wellness policy; (2) regulation of medical assistants; (3) provisions related to controlled substances; (4) school nutrition programs; (5) payment for provision of certain services and care and reports relating to those services and care; (6) reporting of sentinel and near-miss events; and (7) provisions governing licensure of certain physicians. Lastly, members authorized the Chair to send five proclamations and four letters on behalf of the LCHC.

## SUMMARY OF RECOMMENDATIONS

### LEGISLATIVE COMMITTEE ON HEALTH CARE

*Nevada Revised Statutes* 439B.200

This summary presents the recommendations approved by the Legislative Committee on Health Care (LCHC) (*Nevada Revised Statutes* [NRS] 439B.200) at its July 20, 2010, meeting. The LCHC submits the following recommendations and bill draft requests (BDRs) to the 76th Session of the Nevada Legislature:

#### **PROPOSALS RELATING TO THE EXAMINATION OF THE HEIGHT AND WEIGHT OF CHILDREN PURSUANT TO ASSEMBLY BILL 191 (CHAPTER 285, STATUTES OF NEVADA 2009)**

1. Codify the Statewide School Wellness Policy in accordance with the federal guidelines. Create the Statewide School Wellness Rating System. **(BDR 34-188)**
2. Draft a letter to the Health Division, Nevada's Department of Health and Human Services (DHHS), and include in the LCHC bulletin a statement of support for the Health Division's development of Web Education Modules concerning nutrition and physical activity for day care providers, school teachers, health care providers, and homeschool and distance education students.
3. Draft a letter to the Health Division and include in the LCHC bulletin a statement of support for the Health Division to utilize the Silver State Stars Quality Rating Improvement System for child care centers to educate parents about child care centers that limit sugar-sweetened beverages and serve low-fat milk.
4. Draft a Committee proclamation and include in the LCHC bulletin a statement of support for the Health Division to revisit the *2006 Strategic Plan for the Prevention of Obesity in Nevada*, make obesity-related issues a priority policy and program area for Nevada, evaluate changes since 2006, and create a new five-year obesity plan.

#### **PROPOSALS RELATING TO THE REGULATION OF MEDICAL ASSISTANTS**

5. Draft legislation to establish two tiers of medical assistants (medical assistants authorized to administer dangerous drugs and medical assistants not authorized to administer dangerous drugs) and to require medical assistants to meet one of the following qualifications for employment **(BDR 40-189)**:
  - a. Medical assistants (MAs) who are currently employed are allowed to continue working as MAs; however, they must pass a national medical assistant examination

and receive their certification and are not eligible to administer dangerous drugs until they are certified;

- b. The test must be taken within one year after becoming eligible to take the exam if not eligible on the date of passage. If they do not pass the exam, they may retake the exam within 90 days; and
- c. Medical assistants hired following the passage of this legislation are required to successfully pass the MA exam administered by either the American Association of Medical Assistants or the American Medical Technologists and must complete a training program before taking that exam and receiving their certification.

**PROPOSALS RELATING TO THE STUDY OF THE ABUSE OF PRESCRIPTION  
NARCOTIC DRUGS IN NEVADA PURSUANT TO ASSEMBLY BILL 326  
(CHAPTER 301, STATUTES OF NEVADA 2009)**

6. Draft legislation to allow interoperability of the Prescription Controlled Substance Abuse Prevention Task Force to share information with other prescription monitoring programs. The proposed language was adopted in principle from the Alliance of States with Prescription Monitoring Programs Model Act. The language proposed by the group is as follows (**BDR 40-190**):

**NRS 453.154 Division required to prepare certain reports concerning controlled substances; Division and Board may enter into agreements with public agencies; requirements.**

1. In this section, “diversion” means the transfer of a controlled substance from a lawful to an unlawful channel of distribution or use.

2. The Division shall regularly prepare and make available to other state regulatory, licensing and law enforcement agencies a report on the patterns and trends of distribution, diversion and abuse of controlled substances.

3. The Board and the Division may enter into written agreements with local, state and federal agencies to improve identification of sources of diversion and to improve enforcement of and compliance with NRS 453.011 to 453.348, inclusive, and other laws and regulations pertaining to unlawful conduct involving controlled substances. An agreement must specify the roles and responsibilities of each agency that has information or authority to identify, prevent or control diversion and abuse of controlled substances. The Board and the Division may convene periodic meetings to coordinate a state program to prevent and control diversion. The Board and the Division may arrange for cooperation and exchange of information among agencies and with other states and the Federal Government.

4. The Division shall report annually to the Governor, Legislative Committee on Health Care, and biennially to the presiding officer of each house of the Legislature on the outcome of the program with respect to its

effect on distribution and abuse of controlled substances, including recommendations for improving control and prevention of the diversion of controlled substances in this State.

5. The Board may provide prescription monitoring information to other states' prescription monitoring programs and such information may be used by those programs consistent with this chapter.

6. The Board may request and receive prescription monitoring information from other states' prescription monitoring programs and may use such information consistent with this chapter.

7. The Board may develop the capability to transmit information to and receive information from other prescription monitoring programs employing the standards of interoperability.

8. The Board is authorized to enter into written agreements with other states' prescription monitoring programs for the purpose of sharing information to carry out the provisions of this chapter.

7. Amend NRS to provide legal immunity for a pharmacist, pharmacy, or other dispenser that makes a report in good faith to the State prescription drug monitoring program. The language proposed is as follows (BDR 40-190):

A pharmacist, pharmacy, or other dispenser making a report to the program reasonably and in good faith pursuant to this provision is immune from any liability, civil, criminal, or administrative, which might otherwise be incurred or imposed as a result of the report.

#### **PROPOSALS RELATING TO THE CONSOLIDATION OF ADMINISTRATIVE SERVICES FOR HEALTH PROFESSIONALS AND OCCUPATIONAL LICENSING BOARDS**

8. Draft a letter of support for Senator Wiener's BDR related to reviewing issues regarding various boards and holding them accountable. A copy of the letter is required to be forwarded to the Senate Committee on Health and Education and the Assembly Committee on Health and Human Services.

#### **PROPOSAL RELATING TO THE FEASIBILITY OF ESTABLISHING REGIONAL CENTERS FOR THE PREVENTION AND TREATMENT OF ALCOHOL AND SUBSTANCE ABUSE PURSUANT TO SENATE BILL 278 (CHAPTER 267, STATUTES OF NEVADA 2009)**

9. Draft an LCHC proclamation to recognize the efforts of the Local Community Coalition System for Prevention in Nevada (local alcohol and drug abuse prevention coalitions).

**PROPOSAL RELATING TO THE RECENTLY ENACTED PATIENT PROTECTION  
AND AFFORDABLE CARE ACT OF 2010 (PUBLIC LAW 111-148),  
THE HEALTH CARE AND EDUCATION RECONCILIATION  
ACT OF 2010 (PUBLIC LAW 111-152), AND  
THE CHILDREN’S HEALTH INSURANCE  
PROGRAM REAUTHORIZATION ACT  
OF 2009 (PUBLIC LAW 111-3)**

10. Draft an LCHC proclamation urging Nevada’s Department of Health and Human Services to support meritorious applications from State organizations to obtain available outreach grants from the United States Department of Health and Human Services to enroll children and their families in Nevada Medicaid/ Nevada Check Up.
11. Draft an LCHC proclamation urging the DHHS to adopt five of the eight program features required by the Children’s Health Insurance Program Reauthorization Act in order to qualify for a performance bonus.
12. Draft an LCHC proclamation urging the DHHS to study the feasibility of applying for a “Community First Choice Option” under Section 1915 of the Social Security Act to provide community-based attendant support services to individuals with disabilities who are Medicaid eligible and require an institutional level of care.
13. Draft an LCHC proclamation urging the DHHS to study the feasibility of applying for the new Medicaid State Plan option, which will provide medical assistance to eligible individuals with chronic conditions who select a designated provider, a team of health care professionals, or a health team as the individual’s health home, for the purpose of providing the individual with a *medical home*.

**PROPOSAL RELATING TO CERTAIN FEDERAL SCHOOL PROGRAMS**

14. Draft a letter to the superintendents of all school districts in Nevada encouraging them to adopt district-wide breakfast policies, and at the beginning of each school year, to notify the principals and teachers that it is allowable to have breakfast in the classroom. The letter may be transmitted electronically.
15. Draft legislation that requires schools that do not meet adequate yearly progress (AYP) for three or more years to implement breakfast after the bell (breakfast in the classroom or grab-and-go breakfast). **(BDR 34–191)**
16. Draft legislation that requires **(BDR 34–191)**:
  - a. Each school to report the following information to the LCHC and the Interim Finance Committee annually:

- (1) Breakfast participation rates for the previous four years. Include the number of children who receive free and reduced-price breakfast that participate and the number of enrolled children who are qualified to access meals compared to the total enrollment of each school. Identify the method of breakfasts being offered (breakfast in the classroom, breakfast in the cafeteria, or grab-and-go breakfast) and the percentage of qualified students participating by each form of school breakfast; and
  - (2) The AYP for the school.
- b. Each school district is required to report:
- (1) A district-level summary of the breakfast participation report;
  - (2) A list of each school that is participating in a summer meal program. Include the number of qualified students participating in the program versus those students who would qualify for a summer meal program if one were being offered. Each district should indicate the number of dollars currently received by Nevada schools for this program and the dollars that remain in Washington, D.C., because the qualified students are not offered this program or are not participating; and
  - (3) The amount of federal dollars received by Nevada due to participation in school breakfast and school lunch programs. The number of qualified students who did not participate and, based on the lack of participation, the amount of federal money Nevada did not receive.
- c. Each school district to increase by at least 15 percent annually the number of pupils who participate in the school breakfast program until the school district has total participation of pupils eligible for free or reduced-price breakfasts.

**PROPOSAL RELATING TO ESTABLISHING A FAIR AND EQUITABLE  
SYSTEM FOR THE PAYMENT OF MEDICAL SERVICES PURSUANT TO  
SENATE CONCURRENT RESOLUTION NO. 39  
(FILE NO. 101, STATUTES OF NEVADA 2009)**

17. Draft legislation to establish that **(BDR 40-192)**:
- a. An out-of-network hospital must accept for the provision of emergency services and care, as payment in full, a rate which does not exceed the amount set forth for emergency services and care pursuant to the formula established by federal regulation (see 75 Fed. Reg. 37,233-4 (June 28, 2010)). This rate would apply for any patient who is transported by ambulance or otherwise seeks emergency care (as determined pursuant to the Emergency Medical Treatment and Labor Act [EMTALA]) at an

out-of-network hospital and who has a policy of insurance that covers emergency care at not less than two other hospitals in this State;

- b. An out-of-network physician at an out-of-network hospital must accept for emergency services and care, other than services and care required to stabilize a patient, as payment in full, a rate that does not exceed the amount set forth for emergency services and care pursuant to the formula established by federal regulation. This rate would apply for any patient who is transported by ambulance or otherwise seeks emergency care (as determined pursuant to EMTALA) at an out-of-network hospital and who has a policy of insurance which covers emergency care by not less than two other physicians who provide emergency services and care at that hospital; and
- c. An out-of-network physician at an in-network hospital must accept for medical services and care, other than services and care required to stabilize a patient, as payment in full, a rate that does not exceed the amount set forth for services and care pursuant to the formula established by federal regulation. This rate would apply for any patient who has a policy of insurance, which covers the type of services and care by not less than two other physicians who provide that type of service and care.

This rate would apply if the following criteria are met:

- (1) The third party that issued the policy of insurance or other contractual agreement, which provides coverage to the patient, has submitted reports as required in this request;
  - (2) The third party, which provides coverage to the patient has, in good faith, participated in negotiations or mediations pursuant to this request and has documented the occurrence and outcome of any negotiations or mediation;
  - (3) The patient has paid the deductible, copayment, or coinsurance that the patient would have paid for the provision of health care by an in-network provider; and
  - (4) The third party has paid the hospital or physician for the services and care within 60 days after receipt of the bill or, if applicable, within 60 days after the Office for Consumer Health Assistance, Office of the Governor, concludes mediation between the third party and the hospital.
- d. If an out-of-network hospital or physician believes that the rates are insufficient to compensate the hospital or physician for the services and care, the hospital or physician may enter into negotiations with the third party that provides coverage to the patient to resolve the difference between the amount charged and the amount paid by the third party. If such negotiations do not result in an agreement on the amount that will be paid for services and care, the hospital or physician may file a complaint with the Director of the Office for Consumer Health Assistance, Office of the Governor, and request that the Director mediate to determine the amount that must be

paid for such services and care. Require the Director to establish a process for filing and handling complaints and mediate those complaints to determine whether the rates paid are sufficient in a particular circumstance and, if a rate is not sufficient, an acceptable rate that must be paid to the hospital or physician that filed the complaint.

Each third party that wishes for out-of-network hospitals and out-of-network physicians to accept, as payment in full, the amounts prescribed in this request shall:

- (1) Review the in-network hospitals and in-network physicians of the third party to determine whether a person who is covered by that policy of insurance or other contractual agreement, which provides coverage for health care, has adequate access to health care. Require the Commissioner of Insurance to annually study the providers of health care that are included in the networks, which are established by third parties, to determine whether those networks are adequate. The Commissioner shall prescribe standards of adequacy, which are based on the results of that study. The Commissioner will make the findings public and provide a copy to the LCHC;
  - (2) Review the frequency with which persons covered by the policy of insurance are treated for emergency services and care by out-of-network physicians at in-network hospitals and the rate at which those services and care are reimbursed by the third party;
  - (3) Ensure that persons covered by the policy of insurance or other contractual agreement that provides coverage for the provision of health care receive adequate information regarding in-network hospitals and in-network physicians and the financial impact of receiving medical services and care from out-of-network hospitals and out-of-network physicians, including, without limitation, the financial impact of receiving services and care from an out-of-network physician on the medical staff of an in-network hospital. The information must be provided in a format that is meaningful for persons making an informed decision concerning medical services and care. This information must be accessible to persons covered by the policy of insurance or other contractual agreement; and
  - (4) Submit, once each calendar quarter, a summary of the reviews and the educational efforts to the Commissioner of Insurance and the LCHC.
- e. On or before June 30, 2014, the LCHC shall review the rate of payment to determine whether providers of health care are being adequately compensated for the provision of services and care. The LCHC shall forward the results of the review and any proposed changes to the Senate Committee on Health and Education and the Assembly Committee on Health and Human Services.

Make this legislation effective January 1, 2012, to allow sufficient time for regulations to be adopted.

**PROPOSALS RELATING TO TRACKING AND REPORTING NEAR-MISS EVENTS THAT OCCUR AT MEDICAL FACILITIES IN THIS STATE PURSUANT TO SENATE BILL 319 (CHAPTER 502, *STATUTES OF NEVADA 2009*)**

18. Draft legislation to require each medical facility that is required to report information pursuant to NRS 439.847 to grant permission for the Health Division to report publicly, and in a facility-specific manner, the information submitted to the National Healthcare Safety Network. The information must be presented in an equitable and comparable format, including, without limitation, as a percentage or as a ratio of incidents to 1,000 patients. **(BDR 40-193)**
19. Draft legislation to require the Health Division to include on the Internet website established and maintained pursuant to NRS 439A.270, the reports of sentinel events, which are prepared pursuant to paragraph (c) of subsection 1 of NRS 439.840 and the facility-specific information reported pursuant to NRS 439.847 for each medical facility that has given permission for such reports. **(BDR 40-193)**

**PROPOSAL RELATING TO POSTGRADUATE EDUCATION FOR A LICENSE TO PRACTICE MEDICINE**

20. Draft legislation to revise NRS 630.160 to allow the licensing process to begin for an applicant who: (a) is enrolled in a postgraduate residency program in this State; (b) has completed 24 months of the program; and (c) has committed, in writing, to complete a third year of the program. **(BDR 54-194)**

BULLETIN NO. 11-19

**LEGISLATIVE COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE**

*Nevada Revised Statutes 459.0085*

**Members**

Assemblyman Harry Mortenson, Chair  
Senator David R. Parks, Vice Chair  
Senator John J. Lee  
Senator Mike McGinness  
Senator Dean A. Rhoads  
Assemblyman Jerry D. Claborn  
Assemblyman Don Gustavson  
Assemblyman Joseph M. Hogan

**Staff Contacts**

Research Division:

Patrick Guinan, Senior Research Analyst  
Lucinda Benjamin, Senior Research Secretary  
(775) 684-6825

Legal Division:

Matthew S. Nichols, Principal Deputy Legislative Counsel  
(775) 684-6830



*Nevada Revised Statutes*

**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 review and approve the budget and work program for the Committee and any changes to the budget or work program. The Legislative Commission shall select a Chair and a Vice Chair from the members of the Committee.

3. Except as otherwise ordered by the Legislative Commission, the Committee shall meet not earlier than November 1 of each odd-numbered year and not later than August 31 of the following even-numbered year at the call of the Chair 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 the member 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 218A.655. 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; 2009, 1156)



## 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 2009-2010 Interim and heard presentations by the Agency for Nuclear Projects, the Office of the Attorney General, the United States Nuclear Waste Technical Review Board (NWTRB), and the State Department of Conservation and Natural Resources.

In addition to its mandated oversight functions, the Committee monitored the actions of the 111th 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, and gathered information on low- and mixed-low-level nuclear waste disposal and contamination remediation activities at the Nevada Test Site. Committee members participated in the National Conference of State Legislatures' (NCSL) Environmental Management Legislative Roundtables, including the NCSL High-Level Waste Working Group.

The Committee also monitored the activities of the Blue Ribbon Commission on America's Nuclear Future, the NWTRB, the Commission on Nuclear Projects, and meetings between the U.S. Department of Energy (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 2009-2010 Interim, the following developments took place:

- The DOE filed a motion to withdraw “with prejudice” its license application to build a high-level nuclear waste repository at Yucca Mountain, intending to stop the project entirely and permanently;
- President Barack Obama formed the Blue Ribbon Commission on America’s Nuclear Future to address, among other related topics, how the country should dispose of high-level nuclear waste in both the near- and long-term; and
- The DOE announced that it is increasing the monthly disposal of low- and mixed-low-level waste at the Nevada National Security Site (previously called the Nevada Test Site) by nearly 90 percent as part of an accelerated cleanup schedule of DOE sites around the country.

The Committee will continue to monitor the DOE’s attempt to permanently withdraw its Yucca Mountain license application and the related legal challenges, the progress of the Blue Ribbon Commission on America’s Nuclear Future, and any pertinent congressional activity in these areas. The Committee has also chosen to introduce legislation in the 2011 Session which, if approved, will expand its jurisdiction so that it may monitor a wider array of nuclear waste and contamination in the State (see “Summary of Recommendations”).

## SUMMARY OF RECOMMENDATIONS

### LEGISLATIVE COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE

*Nevada Revised Statutes 459.0085*

At the work session on August 17, 2010, the Committee unanimously approved the following four recommendations:

1. Submit a bill draft request (BDR) to remove “High-Level” from the Committee’s name and amend the jurisdiction so the Committee can address other forms of radioactive waste and contamination in Nevada. **(BDR 40-248)**
2. Submit a BDR to broaden the jurisdiction of the Agency for Nuclear Projects to address various forms of radioactive waste and contamination in Nevada. **(BDR 40-249)**
3. Submit a BDR to broaden the jurisdiction of the Commission on Nuclear Projects to cover various forms of radioactive waste and contamination in Nevada. **(BDR 40-250)**
4. Submit a BDR for a resolution directing the Agency for Nuclear Projects, the Attorney General, and the State Department of Conservation and Natural Resources to jointly investigate the potential for Nevada to receive compensation from the federal government for environmental damage resulting from nuclear activities in the State. The resolution will stipulate that the investigation is to be revenue neutral and that the involved entities will report the findings to the 77th Session of the Legislature in 2013. **(BDR R-247)**



BULLETIN NO. 11-20

**COMMISSION ON SPECIAL LICENSE PLATES**

*Nevada Revised Statutes 482.367004*

**Members**

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

**Nonvoting Members**

Michael Fischer, Director, Department of Cultural Affairs  
Jerry Hafen, Director, Department of Public Safety  
Edgar Roberts, Director, Department of Motor Vehicles

**Staff Contacts**

Research Division:

Marjorie Paslov Thomas, Principal Research Analyst  
Anne Vorderbruggen, Senior Research Secretary  
(775) 684-6825

Legal Division:

Daniel Peinado, Deputy Legislative Counsel  
(775) 684-6830



*Nevada Revised Statutes*

**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 Chair of the Assembly Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. 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 Chair of the Senate Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. 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 a designee of the Director.

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

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

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) Except as otherwise provided in subsection 6, 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 provisions of paragraph (c) of subsection 5 do not apply with regard to special license plates that are issued pursuant to NRS 482.3785.

7. 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; 2009, 493)

## ABSTRACT

### COMMISSION ON SPECIAL LICENSE PLATES

*Nevada Revised Statutes 482.367004*

The Commission on Special License Plates is a permanent Commission 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*), thereby creating the Commission on Special License Plates and another option for the authorization of special plates in addition to direct legislative authorization. The new method is known as direct application/petition to the Department of Motor Vehicles (DMV). The bill also provided for a 25-design cap on the production of special license plates and a mechanism to cease issuance of low-demand plates.

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.

Commission members consist of five voting members and three nonvoting members. The voting members must be legislators, including the legislators who served as chairs of the Assembly Committee on Transportation and the Senate Committee on Energy, Infrastructure and Transportation during the most recent legislative session, or their designees. 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.

As of October 1, 2010, there were 198,566 active special license plates, and the plates had generated \$29,614,296.20 in revenue. The most widely issued plate has been the Las Vegas Commemorative plate with 76,030 active plates as of October 1, 2010, which had generated over \$10 million in revenue. 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 one meeting during this interim on October 13, 2010. At the meeting, members of the Commission 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 all charitable organizations receiving revenue from the sale of special license plates were in compliance with the requirements to submit certain financial and other information to the Commission. Members also considered the first 5 pending applications in the queue (currently there are 17 pending applications), which included: University Medical Center Foundation, Inc. (formerly known as the UMC Partners in Excellence Foundation), National Law Enforcement Officers Memorial Fund, Department of Wildlife (DOW), United States Air Force Air Demonstration Squadron Thunderbirds, and the March of Dimes Foundation, for special license plates since 2 special license plates no longer met the requirement for active plates.

The Commission did not set a future meeting date, noting that it will set a date if it needs to review and approve pending applications for special license plates should any active special license plates fall below the minimum number.

The members also conducted a work session at which they approved two special license plate applications: (1) University Medical Center Foundation, Inc.; and (2) DOW. The organizations will begin working with the DMV to design the license plates.

## SUMMARY OF RECOMMENDATIONS

### COMMISSION ON SPECIAL LICENSE PLATES

*Nevada Revised Statutes 482.367004*

Following is a summary of the applications approved by the Commission on Special License Plates at its October 13, 2010, meeting for transmittal to the 76th Session of the Nevada Legislature.

#### **SUMMARY OF SPECIAL LICENSE PLATE APPLICATIONS APPROVED BY THE COMMISSION**

1. The University Medical Center (UMC) Foundation, Inc. (formerly known as the UMC Partners in Excellence Foundation, Inc. [Foundation]). The Foundation is an independent, nonprofit charitable organization helping to make sure the best care is available for all Nevada residents and visitors. The UMC Foundation supports programs and initiatives of UMC of Southern Nevada with statewide relevance, including: Children's Hospital of Nevada, Lions Burn Care Center, UMC Trauma, and UMC's Center for Transplantation. Proceeds from the sale of the special license plate will support the development of a new multiorgan transplantation service in Nevada, a cooperative venture between UMC and the University of Nevada School of Medicine. The proposed plate design features the caduceus and a phrase identifying the support of health care.
2. The Department of Wildlife (DOW). The DOW applied for a special license plate to provide funding for conservation education and volunteer programs by the Conservation Education Bureau, DOW. Funds from the special license plate will support the Wildlife Education program. The funds will also be used for the Volunteer Program, which serves as a mechanism for citizen volunteers to become more involved in wildlife projects including habitat restoration programs, native seed collection, wildlife survey and inventory, wildlife capture and translocations for bighorn sheep, and water developments for wildlife. The proposed plate design would include a depiction of a mule deer and a sage grouse.

