

**Summary Bulletin of
Reports of the Legislative Commission
to the 77th Session of the
Nevada Legislature**



Bulletin No. 13-02

*Legislative Counsel
Bureau*

January 2013



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BULLETIN NO. 13-02

**SUMMARY BULLETIN OF REPORTS
OF THE LEGISLATIVE COMMISSION TO THE
77TH SESSION OF THE NEVADA LEGISLATURE**

INTRODUCTION

This bulletin summarizes 17 study reports that were completed during the 2011-2012 Interim for consideration by the 2013 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*; or (4) by direction of the Legislative Commission.

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 number cited on the initial page of each section. These publications are identified by bulletin number and may be obtained from the Legislative Counsel Bureau's Gift Shop and Publications Office (telephone: 775/684-6835) or on the [Nevada Legislature's](http://www.leg.state.nv.us/Division/Research/Publications/DivStudyLegReport.cfm) website at: <http://www.leg.state.nv.us/Division/Research/Publications/DivStudyLegReport.cfm>.

LEGISLATIVE COMMISSION

(Nevada Revised Statutes 218E.150)

Members

Senator Moises (Mo) Denis, Chair

Senate

Senator Kelvin D. Atkinson
Senator Donald Gary Gustavson
Senator David R. Parks
Senator Michael Roberson
Senator James A. Settelmeyer

Assembly

Assemblyman David P. Bobzien
Assemblyman Ira Hansen
Assemblyman William C. Horne
Assemblywoman Marilyn Kirkpatrick
Assemblyman Peter Livermore
Assemblyman Lynn D. Stewart

Note: The “Previous Members” represent the composition of the Legislative Commission up until the November 6, 2012, General Election.

Previous Members

Senator Steven A. Horsford, Chair
Senator Moises (Mo) Denis, Vice Chair
Senator Sheila Leslie, Vice Chair (Resigned)*

Senate

Senator Donald Gary Gustavson
Senator Elizabeth Halseth (Resigned)*
Senator Michael Roberson
Senator Michael A. Schneider
Senator James A. Settelmeyer

Assembly

Assemblyman Marcus L. Conklin
Assemblyman Ira Hansen
Assemblywoman Marilyn Kirkpatrick
Assemblyman Richard McArthur
Assemblywoman Debbie Smith
Assemblyman Lynn D. Stewart

**Note: Senator Sheila Leslie resigned from office on February 14, 2012, and was replaced on the Legislative Commission by Senator Michael A. Schneider. Senator Elizabeth Halseth resigned from office on February 17, 2012, and was replaced on the Legislative Commission by Senator Donald Gary Gustavson.*

BULLETIN NO. 13-03

**LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY THE STRUCTURE
AND OPERATIONS OF THE NEVADA LEGISLATURE**

Assembly Concurrent Resolution No. 12
(File No. 45, *Statutes of Nevada 2011*)

Members

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Senator Greg Brower
Senator Moises (Mo) Denis
Senator Mark A. Manendo
Assemblyman Jason M. Frierson
Assemblyman Lynn D. Stewart

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Assembly Concurrent Resolution No. 12
(File No. 45, *Statutes of Nevada 2011*)

Assembly Concurrent Resolution No. 12—Committee
on Legislative Operations and Elections

FILE NUMBER.....

ASSEMBLY CONCURRENT RESOLUTION—Directing the
Legislative Commission to conduct an interim study
concerning the structure and operations of the Nevada
Legislature.

WHEREAS, The Nevada Legislature is the branch of State Government closest to the people and is responsible for enacting the laws of this State and creating the instruments to carry out such enactments; and

WHEREAS, It has been more than 20 years since a comprehensive review has taken place with respect to the Nevada Legislature as an institution of this State, and the needs of the Legislators and the residents of this State have changed during that time; and

WHEREAS, A review of the structure and operations of the Nevada Legislature, including, without limitation, the timing, frequency and length of regular legislative sessions and the compensation of Legislators, should be conducted to ensure that the Legislature continues to serve the residents of this State efficiently and effectively; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission is hereby directed to appoint an interim committee to conduct a study concerning the structure and operations of the Nevada Legislature; and be it further

RESOLVED, That the interim committee must be composed of six members selected as follows:

1. Three members from the Assembly; and
2. Three members from the Senate; and be it further

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

1. The timing, frequency and length of regular legislative sessions, including, without limitation, an examination of the efficiency and effectiveness of annual regular legislative sessions;
2. Legislative procedures and matters relating thereto; and
3. The appropriate compensation of Legislators; and be it further

RESOLVED, That any recommended legislation proposed by the interim committee must be approved by a majority of the members



of the Assembly and a majority of the members of the Senate appointed to the interim 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 77th Session of the Nevada Legislature.



ABSTRACT

LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY THE STRUCTURE AND OPERATIONS OF THE NEVADA LEGISLATURE

Assembly Concurrent Resolution No. 12
(File No. 45, *Statutes of Nevada 2011*)

The 2011 Nevada Legislature enacted Assembly Concurrent Resolution No. 12 (File No. 45, *Statutes of Nevada*) to create the Legislative Commission's Committee to Study the Structure and Operations of the Nevada Legislature. The Committee was charged with examining: (1) the timing, frequency, and length of regular sessions, as well as the efficiency and effectiveness of annual regular legislative sessions; (2) legislative procedures and related matters; and (3) the appropriate compensation of legislators.

The Legislative Commission appointed six members to the Committee, which held five meetings during the 2011-2012 Interim. The Committee received reports and presentations on the structure and operations of the legislative branch in other states, previous studies of the Nevada Legislature, various types of limited legislative sessions, compensation of legislators, the interim committee structure, and legislative staff structures in Nevada and in selected other states.

In addition, several members of the Committee expended their own funds to visit the Oregon State Legislature during its first annual session following the passage of a constitutional amendment to establish annual sessions. During this visit, members met with leadership of the four caucuses of the Oregon State Legislature and others who participated in the transition from biennial to annual sessions. At its final meeting, the Committee received a presentation from one of the co-chairs of the Public Commission on the Oregon Legislature, which has studied and proposed numerous changes to the structure and operations of the Oregon State Legislature. It also received recommendations and observations about the Nevada Legislature from a former Nevada legislator.

At its work session, the members adopted one recommendation with regard to the structure and operations of the Nevada Legislature. The members voted to request a bill draft for a concurrent resolution, to provide for the establishment of a commission composed of both legislators and nonlegislators to study the Nevada Legislature.

SUMMARY OF RECOMMENDATION

**LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY THE STRUCTURE
AND OPERATIONS OF THE NEVADA LEGISLATURE**

Assembly Concurrent Resolution No. 12
(File No. 45, *Statutes of Nevada 2011*)

At its meeting on August 20, 2012, the Legislative Commission's Committee to Study the Structure and Operations of the Nevada Legislature adopted the following recommendation. The following bill draft request (BDR) will be submitted to the 77th Session of the Nevada Legislature:

- Request a bill draft of a concurrent resolution to provide for the establishment of a public commission to study the Nevada Legislature. **(BDR -407)**

BULLETIN NO. 13-04

**LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY
THE ALLOCATION OF MONEY DISTRIBUTED
FROM THE LOCAL GOVERNMENT
TAX DISTRIBUTION ACCOUNT**

Assembly Bill 71
(Chapter 384, *Statutes of Nevada 2011*)

Members

Assemblywoman Marilyn Kirkpatrick, Chair
Senator Elizabeth Halseth (Resigned)*
Senator John J. Lee
Senator Mike McGinness
Senator David R. Parks
Assemblyman Richard (Skip) Daly
Assemblyman John C. Ellison

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**Note: Senator Elizabeth Halseth resigned from office on February 17, 2012. The Legislative Commission appointed Senator Mike McGinness to replace Senator Halseth on the Subcommittee on March 29, 2012.*

Assembly Bill 71
(Chapter 384, *Statutes of Nevada 2011*)

Assembly Bill No. 71—Committee on
Legislative Operations and Elections

CHAPTER.....

AN ACT relating to taxation; directing the Legislative Commission to conduct an interim study concerning the equitable allocation of money distributed from the Local Government Tax Distribution Account; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the deposit of certain proceeds from liquor taxes, cigarette taxes, real property transfer taxes, city-county relief taxes and governmental services taxes into the Local Government Tax Distribution Account. (NRS 369.173, 370.260, 375.070, 377.055, 377.057, 482.181) Under existing law, the Executive Director of the Department of Taxation is required to allocate the money deposited in the Account to local governments, special districts and enterprise districts in each county in accordance with a specified formula. (NRS 360.680, 360.690)

This bill requires the Legislative Commission to appoint a subcommittee to conduct an interim study to examine whether the formula for the allocation of money distributed from the Local Government Tax Distribution Account results in an equitable allocation to all those governmental entities, including any local library districts that do not currently receive such an allocation, and, if not, to consider possible alternative methodologies to achieve a more equitable allocation.

EXPLANATION - Matter in *bolded italics* is new; matter between brackets ~~(omitted material)~~ is material to be omitted.

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 subcommittee, consisting of three members of the Senate and three members of the Assembly, to conduct a study during the 2011-2013 interim concerning the formula for the allocation of money distributed from the Local Government Tax Distribution Account.

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

(a) Review the structural components of the formula used for the allocation of money distributed from the Local Government Tax Distribution Account to local governments, special districts and enterprise districts from the inception of the formula to the present day; and

(b) Examine whether the formula results in an equitable allocation among all those governmental entities, including, without limitation, any local library districts which do not currently receive such an allocation, and, if not, consider possible alternative



methodologies to achieve a more equitable allocation among all those governmental entities.

3. Any recommendations for legislation proposed by the subcommittee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly appointed to the subcommittee.

4. The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 77th Session of the Nevada Legislature.

Sec. 2. This act becomes effective on July 1, 2011.



ABSTRACT

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY THE ALLOCATION OF MONEY DISTRIBUTED FROM THE LOCAL GOVERNMENT TAX DISTRIBUTION ACCOUNT

Assembly Bill 71
(Chapter 384, Statutes of Nevada 2011)

The 76th Session of the Nevada Legislature approved Assembly Bill 71 (Chapter 384, *Statutes of Nevada 2011*), creating the Legislative Commission's Subcommittee to Study the Allocation of Money Distributed from the Local Government Tax Distribution Account.

The Subcommittee was directed to review the structural components of the formula used for the allocation of money distributed from the Local Government Tax Distribution Account to local governments, special districts and enterprise districts from the inception of the formula to the present day, as well as examine whether the formula results in an equitable allocation among all those governmental entities, including, without limitation, any local library districts which do not currently receive such an allocation, and, if not, consider possible alternative methodologies to achieve a more equitable allocation among all those governmental entities.

The Subcommittee held six meetings, including two work sessions, during the 2011-12 Legislative Interim. All meetings were open to the public and were videoconferenced between the Grant Sawyer State Office Building in Las Vegas and the Legislative Building in Carson City. All six meetings were also videoconferenced to locations in Elko and Winnemucca.

Due to the complex nature of the Local Government Tax Distribution Account and the Consolidated Tax Distribution (CTX), the first two meetings of the Subcommittee held on February 1, 2012, and March 15, 2012, focused on establishing a comprehensive repository of information related to the CTX that could be utilized by all interested parties throughout the study. Legislative Counsel Bureau staff provided the Subcommittee with a series of presentations and reference documents covering all aspects of the CTX including the following topics:

- Overview of the Local Government Tax Distribution Account and the Consolidated Tax Distribution (CTX)
- Overview of the Six Revenue Sources Dedicated to the CTX and their Distribution to Counties Under the First Tier of the CTX
- Overview of the Distribution of First-Tier Revenues To Entities Within a County at the Second Tier of the CTX
- Base Calculation With and Without Excess Revenue Included

- Excess Distribution Shares Under No One-Plus, One-Plus, and Combinations of No One-Plus and One-Plus
- Hypothetical Examples of Base and Excess Distributions on a Monthly and Fiscal Year Basis

The above presentations were accompanied by the following resources developed by Fiscal Analysis Division staff for use during the study and placed on the Legislative Counsel Bureau's website:

- Actual Revenues Distributed Under the First Tier and Second Tier of the CTX and Other Statistics Related to the CTX Distribution
- Nevada Revised Statutes Related to the CTX from 1995 to 2011 as the Law Existed After Each Legislative Session
- History of Legislation Related to the CTX – Provides Access to CTX Bills and the Minutes from the Hearings on Each Bill
- Bulletins from Prior CTX Interim Studies

In addition to the presentations by Legislative Counsel Bureau staff, the Subcommittee also received an overview of the creation of the CTX and the changes to the CTX formula since its inception. This presentation was provided by two of the members that served on the original technical advisory committee (SCR 40, 1995 Session) involved with developing the CTX formula, Marvin Leavitt, Chair, Committee on Local Government Finance and Guy Hobbs, Principal, Hobbs, Ong & Associates Inc.

Throughout the course of the study, the Subcommittee stressed the importance of all local governments being actively engaged in the study since the distribution of CTX revenue is ultimately a local government issue. The Subcommittee began the process of identifying the specific local government CTX issues and concerns by working with representatives from the Nevada Association of Counties and Nevada League of Cities. During the first meeting of the Subcommittee held on February 1, 2012, these organizations offered to assist the Subcommittee by ensuring that all local governments were aware of the interim study and invited to participate. The Subcommittee also directed staff to ensure that any local governments that were not represented by these organizations were also invited to participate in the study.

The Nevada Association of Counties and Nevada League of Cities assisted Legislative Counsel Bureau staff with the distribution of a CTX Issues Survey to solicit comments and concerns from local government entities across the state. Survey responses were received from 13 counties and 20 other local government entities statewide and during the second meeting of the Subcommittee held on March 15, 2012, the Subcommittee reviewed all of the survey responses and received testimony from several local governments regarding the CTX issues identified through the survey.

During the third meeting of the Subcommittee held on April 30, 2012, Jeremy Aguero of Applied Analysis (a Las Vegas based consulting firm) advised the Subcommittee that his firm had been retained by the City of Las Vegas and the City of Henderson, independently, to analyze the CTX formula, its alternatives, impacts and trends. Mr. Aguero noted that since mid-February 2012, an informal local government working group comprised of representatives from the cities of Las Vegas, Henderson and other local governments had been using the model to evaluate several alternatives to the CTX formula.

Given the development of a CTX model by Applied Analysis and the formation of the informal local government working group between the cities of Las Vegas and Henderson, the Subcommittee recommended that all local governments as well as representatives from the Nevada Association of Counties and Nevada League of Cities be invited to participate in the working group. The Subcommittee also directed the local government working group to evaluate the various proposals to change the CTX formula and present the Subcommittee with recommendations that were supported by all local governments.

Based on the Subcommittee's direction to the local government working group to evaluate the proposed changes to the CTX formula and make recommendations to the Subcommittee, Mr. Aguero of Applied Analysis facilitated approximately 20 local government working group meetings during May through August 2012 held at several locations across the state. The number of local government entities participating in the working group meetings increased over time and some of the meetings were conducted with small groups or individual local governments rather than the entire working group of local governments.

Based on the information provided by the local government working group, Legislative Counsel Bureau and Department of Taxation staff, and representatives from various local government entities throughout the state, the Subcommittee considered and adopted a total of five recommendations to be included in a single bill draft request for consideration by the Legislature during the 2013 Legislative Session.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY THE ALLOCATION OF MONEY DISTRIBUTED FROM THE LOCAL GOVERNMENT TAX DISTRIBUTION ACCOUNT

Assembly Bill 71
(Chapter 384, *Statutes of Nevada 2011*)

This summary presents the recommendations approved by the Legislative Commission's Subcommittee to Study the Allocation of Money Distributed from the Local Government Tax Distribution Account at its final two meetings held on July 26 and August 30, 2012. These recommendations will be included in a bill draft request for consideration by the 77th Session of the Nevada Legislature in 2013. 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 recommendations include:

- (1) Use the five-year average percentage change in the Consumer Price Index (CPI) to adjust the annual base allocation for local governments and special districts, instead of only the average percentage change in the CPI during the prior year.
- (2) Revise the method by which a local government or special district's annual base allocation is calculated to include all revenue (base plus excess) distributed to that entity in the prior year, adjusted for inflation (based on recommendation #1 above), instead of only the base revenue distributed in the prior year, adjusted for inflation.
- (3) Modify the excess distribution formula for all seventeen counties. The provisions related to the no one-plus excess distribution formula would be repealed and the distribution of excess revenue would be determined as follows:
 - For a county whose population is less than 100,000 (currently all counties except Clark and Washoe), use the one-plus formula to determine the distribution of excess revenue. For a local government: use one plus the sum of the five-year average percentage change for population and the five-year average percentage change for assessed value. For a special district: use one plus the five-year average percentage change for assessed value.
 - For a county whose population is 100,000 or more (currently Clark and Washoe), use a new 0.02-plus formula to determine the distribution of excess revenue. For a local government: use 0.02 plus the sum of the five-year average percentage change for population and the five-year average percentage change for assessed value. For a

special district: use 0.02 plus the five-year average percentage change for assessed value. Additionally, for Clark and Washoe counties only:

- If a local government or special district has a five-year average percentage change in assessed value that is negative, the assessed value growth rate used in the excess distribution formula for that entity will be set to zero.
- For a particular fiscal year, if the above calculations result in a negative value for all local governments (excludes special districts), the distribution of any excess revenue for all local governments and special districts would be based on the base distribution shares established pursuant to NRS 360.680.

- (4) Change the date by which a cooperative agreement for an alternative distribution of revenue among local governments and/or special districts within a county must be submitted to the Department of Taxation, from December 31 to April 1 prior to the fiscal year that will be governed by the cooperative agreement. Local governments would be required to submit a notice of their intent to enter into a cooperative agreement on or before March 1.
- (5) Revise the method by which annual population estimates are used to determine the distribution of certain revenues at the first tier of the Local Government Tax Distribution Account. This is a technical recommendation brought forward by Fiscal Analysis Division staff to clarify that the population estimates certified by the Governor prior to each fiscal year are to be used by the department for all distributions attributable to the fiscal year beginning on July 1, although the actual distributions for a fiscal year may occur after July 1 due to the Governmental Accounting Standards Board (GASB) rules used by the Department of Taxation.

BULLETIN NO. 13-05

**LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY
TRADEMARK AND COPYRIGHT LAW**

Assembly Bill 383
(Chapter 461, *Statutes of Nevada 2011*)

Members

Assemblyman Tick Segerblom, Chair
Senator Mark A. Manendo, Vice Chair
Senator Greg Brower
Senator Moises (Mo) Denis
Assemblyman Jason M. Frierson
Assemblyman Pat Hickey

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Assembly Bill No. 383
(Chapter 461, *Statutes of Nevada 2011*)

Assembly Bill No. 383—Assemblymen Hickey;
Goicoechea, Grady and Kirner

CHAPTER.....

AN ACT relating to trade regulations; directing the Legislative Commission to conduct an interim study concerning trademark and copyright law; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill directs the Legislative Commission to conduct an interim study concerning trademark and copyright law. In relevant part, the committee appointed by the Legislative Commission to conduct the interim study must consider proposals for providing greater protections for the creative or expressive works of authors, artists and other persons in this State in a manner that is consistent with federal law.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~(omitted material)~~ is material to be omitted.

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 trademark and copyright law.

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; and

(b) Three members appointed by the Speaker of the Assembly.

3. The study must include, without limitation:

(a) Consideration of the applicable provisions of federal law, including, without limitation, the Copyright Act of 1976, Pub. L. No. 94-553 (1976) as amended, and the Digital Millennium Copyright Act of 1998, Pub. L. No. 105-304 (1998) as amended.

(b) A survey of the laws of this State and other states and territories of the United States relating to the protection of trademarks and copyrights.

(c) Consideration of proposals for providing for greater protections for the creative or expressive works of authors, artists and other persons in this State in a manner that is consistent with federal law.



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

(e) Insofar as is reasonably practicable, input from all parties having an interest in the regulation and protection of trademarks and copyrights.

(f) 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 77th Session of the Nevada Legislature.

Sec. 2. This act becomes effective on July 1, 2011.



ABSTRACT

LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY TRADEMARK AND COPYRIGHT LAW

Assembly Bill 383
(Chapter 461, *Statutes of Nevada 2011*)

The 2011 Nevada Legislature enacted Assembly Bill 383 (Chapter 461, *Statutes of Nevada*) to create the Legislative Commission's Committee to Study Trademark and Copyright Law. The Committee was charged to conduct a study to include: (1) consideration of applicable provisions of federal law; (2) a survey of the laws of Nevada and other states and territories of the United States relating to the protection of trademarks and copyrights; (3) consideration of proposals to provide greater protections for creative or expressive works in accordance with federal law; (4) an examination of ways in which other jurisdictions have regulated trademark and copyright law; (5) an opportunity for interested parties to participate; and (6) an examination of any other matter relevant to the study.

The Legislative Commission appointed six members to the Committee, which held one meeting on August 20, 2012. The Committee received reports and presentations from staff of the Legal Division of the Legislative Counsel Bureau on applicable federal trademark and copyright laws as well as the laws of Nevada and other states and territories relating to the protection of trademarks and copyrights. It also received a presentation from Legal Division staff on methods used by Nevada and other states to regulate trademark and copyright law. In addition, the Committee received recommendations from the public regarding proposals for greater protection for creative or expressive works.

The Committee adopted a recommendation to amend the *Nevada Revised Statutes* to provide for the registration and protection of a single title of a creative work of authorship as a trademark in Nevada.

SUMMARY OF RECOMMENDATION

**LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY
TRADEMARK AND COPYRIGHT LAW**

Assembly Bill 383
(Chapter 461, *Statutes of Nevada 2011*)

At its meeting on August 20, 2012, the Legislative Commission's Committee to Study Trademark and Copyright Law adopted the following recommendation. The following bill draft request (BDR) will be submitted to the 77th Session of the Nevada Legislature:

Request a bill draft to amend the *Nevada Revised Statutes* to provide for the registration and protection of a single title of a creative work of authorship as a trademark in Nevada.
(BDR -406)

BULLETIN NO. 13-06

**LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY
THE DEPOSITS AND REFUNDS ON RECYCLED PRODUCTS**

Assembly Bill 427
(Chapter 462, *Statutes of Nevada 2011*)

Members

Assemblyman James Ohrenschall, Chair
Senator Mark A. Manendo, Vice Chair
Senator Donald Gary Gustavson
Senator Ruben J. Kihuen
Assemblyman Peter Livermore
Assemblywoman April Mastroluca

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Assembly Bill 427
(Chapter 462, *Statutes of Nevada 2011*)

Assembly Bill No. 427—Assemblyman Ohrenschall

CHAPTER.....

AN ACT relating to programs for recycling; directing the Legislative Commission to conduct an interim study concerning the establishment of a program requiring the payment and refund of deposits on recyclable products sold in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill directs the Legislative Commission to conduct an interim study concerning the establishment of a program for requiring deposits to be paid and then refunded on recyclable products sold in this State.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted-materiality~~ is material to be omitted.

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 the establishment of a program for requiring the payment and refund of deposits on recyclable products sold in this State.

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 Natural Resources during the 76th Session of the Nevada 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 Natural Resources, Agriculture, and Mining during the 76th Session of the Nevada Legislature.

3. The study

(a) Must include, without limitation:

(1) Consideration of the recyclable products to be included in the program, including, without limitation, plastic, glass, aluminum or tin containers and paper or plastic grocery and shopping bags.

(2) An analysis of the process for the payment and refund of the deposits on the recyclable products, including, without limitation, the creation of redemption centers.

(b) May include consideration of other methods of encouraging recycling.



4. The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 77th Session of the Nevada Legislature.

Sec. 2. This act becomes effective July 1, 2011.



ABSTRACT

LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY THE DEPOSITS AND REFUNDS ON RECYCLED PRODUCTS

Assembly Bill 427
(Chapter 462, *Statutes of Nevada 2011*)

The 2011 Nevada Legislature enacted Assembly Bill 427 (Chapter 462, *Statutes of Nevada*), which created the Legislative Commission's Committee to Study the Deposits and Refunds on Recycled Products. The Committee was charged with evaluating the possible creation of a program that requires the payment and refund of deposits on recyclable products in Nevada. As part of this study, the Committee was required to consider the type of products to be included in such a program (aluminum, glass, plastic, et cetera) and analyze the process for the payment and refund of deposits on recyclable products. The Committee also had the authority to consider other methods of encouraging recycling in Nevada and to discuss recycling matters in general.

The Legislative Commission appointed six members to the Committee to Study the Deposits and Refunds on Recycled Products and the Committee held a total of four meetings during the course of the study. The Committee received numerous reports and presentations concerning, among other things: (1) the recycling practices and programs of several local governments in Nevada, the gaming and resort industry, and various volunteer recycling programs; (2) statewide recycling efforts and involvement of Nevada's Division of Environmental Protection, State Department of Conservation and Natural Resources; (3) curbside recycling and other recycling activities of private waste collectors in Nevada; (4) considerations for potential beverage container deposit and refund legislation; (5) environmental benefits and impacts of recycling; (6) considerations and impacts of container deposit and refund legislation on recycling companies, retailers, and the beverage industry; and (7) the activities of the Container Recycling Institute, the America's Schools Program, the "Don't Trash Nevada" program, the University of Nevada, Las Vegas' "Rebel Recycling" program, and other recycling-related programs.

During its final meeting and work session, the Committee to Study the Deposits and Refunds on Recycled Products adopted four recommendations for legislation to be considered by the 2013 Legislature. These recommendations address single-stream recycling, statewide recycling goals, the America's Schools Program, and penalties relating to illegal dumping. The Committee also approved the drafting of letters relating to various topics. 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 THE DEPOSITS AND REFUNDS ON RECYCLED PRODUCTS

Assembly Bill 427
(Chapter 462, *Statutes of Nevada 2011*)

This summary presents the recommendations approved by the Legislative Commission's Committee to Study the Deposits and Refunds on Recycled Products at its second meeting held on April 3, 2012, and at its final meeting and work session held on June 26, 2012, in Las Vegas, Nevada. The following bill draft requests (BDRs) will be submitted to the 77th Session of the Nevada Legislature in 2013.

RECOMMENDATIONS FOR LEGISLATIVE MEASURES

1. Adopt a concurrent resolution expressing the Nevada Legislature's support for single-stream recycling and urging Nevada's boards of county commissioners to implement programs for single-stream recycling. **(BDR R-119)**

NOTE: Single-stream recycling is a method of recycling in which all recyclable materials, including aluminum, glass, and plastic beverage containers, are placed unsorted into a single recycling bin or container, instead of being sorted and separated at the source. Under the single-stream model, the collection and processing systems are designed to handle a fully commingled mixture of recyclables, with materials being separated for reuse at a materials recovery facility.

2. Enact legislation raising the recycling goal set forth in *Nevada Revised Statutes* (NRS) 444A.020 from 25 percent to 40 percent and require all Nevada counties to study and report to the 2015 Nevada Legislature on their efforts toward implementing single-stream recycling within their counties. **(BDR 40-120)**
3. Enact legislation relating to unlawful dumping by amending NRS 444.630, subsection 1, subparagraph (c), to increase, from two years to four years, the time frame between a third offense and a subsequent offense during which the greater penalty could be imposed. Under this amendment, a repeat offender would not revert to a first offense until four years (rather than two years) has elapsed after his or her third offense. **(BDR 40-121)**
4. Adopt a concurrent resolution expressing the Nevada Legislature's support for the program, partnerships, and recycling efforts of the America's Schools Program (ASP). **(BDR R-122)**

NOTE: The ASP is a corporate partnership program for schools that provides a discretionary school funding source through the revenues generated from recycling activities. Participating schools receive a contribution based upon the value of the items that are recycled by ASP corporate partners. The ASP recently partnered with Julien Environmental Technology (“JET”) Recycling, which specializes in reprocessing all grades of plastic into a large number of consumer products. Schools partnering with ASP receive royalties on the sale of these products to assist with programs such as music, the arts, and related activities.

RECOMMENDATIONS FOR COMMITTEE LETTERS

5. Send a Committee letter to the Chair and members of the Legislative Commission expressing support for and urging the Commission’s approval of the “Adopted Regulation of the State Environmental Commission, LCB File No. R049-11,” which addresses the availability and placement of recycling containers at certain apartment complexes and condominiums.
6. Send a Committee letter to each board of county commissioners in Nevada encouraging those boards to make available in the county a program for single-stream recycling as soon as feasibly possible. Include in the letter notification that the 2013 Nevada Legislature will be considering a concurrent resolution as set forth in Recommendation No. 1 (see above).
7. Send a Committee letter to the various builders’ and contractors’ associations and construction trade organizations encouraging their members to engage in and increase the level of construction site recycling. The letter should also encourage these associations and organizations to study the impacts of construction and demolition materials recycling and evaluate the ideal parameters for construction site recycling and request they report their findings to the Nevada Legislature. Considerations for study could include: (a) project applicability (based on the size and type of construction activity); (b) identifying target materials; (c) the development of incentives; (d) consideration of physical space limitations; (e) amending construction permitting requirements; (f) considerations regarding onsite practices (i.e., single-stream versus source separation); (g) monitoring and reporting requirements; and (h) enforcement mechanisms.
8. Send a Committee letter to the President of the University of Nevada, Las Vegas (UNLV), and the Board of Regents of the University of Nevada, praising the efforts of the UNLV Rebel Recycling Program and urging the establishment of similar programs at other Nevada System of Higher Education campuses.
9. Send a Committee letter to the State of California’s Senate Majority Leader, Senator Ellen M. Corbett (D-Senate District 10) and the Chairwoman of the Senate Standing Committee on Appropriations, Senator Christine Kehoe (D-Senate

District 39), expressing support for A.B. 1933, sponsored by Assembly Member Richard S. Gordon (D-Assembly District 21). The measure, as approved by the California State Assembly and California's Senate Committees on Environmental Quality and Appropriations, proposes to reduce the threshold for reporting imported beverage container material from 100 pounds to 25 pounds for aluminum, bimetal, or plastic, and from 1,000 pounds to 250 pounds for glass beverage container material. The measure also requires that any person required to report on the importation of beverage container material to the California Department of Resource, Recycling, and Recovery to also provide documentation of the source and destination of the material.

BULLETIN NO. 13-07

**LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY
A NEW METHOD FOR FUNDING PUBLIC SCHOOLS**

Senate Bill 11
(Chapter 424, *Statutes of Nevada 2011*)

Members

Assemblyman Marcus L. Conklin, Chair
Senator Moises (Mo) Denis, Vice Chair
Senator Shirley A. Breeden
Senator Greg Brower
Assemblywoman Marilyn Dondero Loop
Assemblyman Ira Hansen

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Senate Bill 11
(Chapter 424, *Statutes of Nevada 2011*)

Senate Bill No. 11–Committee on Finance

CHAPTER.....

AN ACT relating to public school finance; directing the Legislative Commission to appoint a committee to conduct an interim study concerning the development of a new method for funding public schools in this State; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, the Nevada Plan for School Finance provides for the financial support of the school districts, charter schools and university schools for profoundly gifted pupils. The formula in the Nevada Plan is expressed as: State financial aid to school districts equals the difference between school district basic support guarantee and local available funds produced by mandatory taxes minus all the local funds attributable to pupils who reside in the county but attend a charter school or a university school for profoundly gifted pupils. (NRS 387.121) **Section 22** of this bill directs the Legislative Commission to appoint a committee to conduct an interim study concerning the development of a new method for funding public schools in Nevada.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~(omitted material)~~ is material to be omitted.

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

Sections 1-20. (Deleted by amendment.)

Sec. 21. The Legislature hereby finds and declares that:

1. In 1967, the Legislature, as a response to circumstances prevailing at the time and to allow the State to fulfill its responsibility to appropriately fund public schools, adopted a new method, known as the Nevada Plan, for funding public schools;
2. By considering and adopting the Nevada Plan, the Legislature recognized that changing circumstances in the State and changes in the student population in the State would necessitate changes to the Nevada Plan;
3. In 2011, the State and its public schools face remarkably different conditions than in 1967;
4. Nevada is home to both one of the largest school districts in the nation and one of the smallest school districts in the nation;
5. The educational needs and demographic characteristics of students in the public schools vary widely and have disparate impacts on the ability of each student to have a quality education;
6. The fundamental purpose of the State’s public education system is to ensure a reasonably equal opportunity for each student to have a quality education;



7. The needs and characteristics of each student have a direct influence on the ability of that student to take advantage of an opportunity for a quality education;

8. Recent education reforms, including the adoption of common core standards, the advancement of empowerment schools and charter schools, the creation of the Teachers and Leaders Council of Nevada and other important advancements in the public education system will enhance the ability of public schools to meet the needs of individual students;

9. Such reforms are specifically designed to improve and advance the purpose of the State's public education system and to help prepare students for higher education and for careers;

10. The success of these reforms depends on a funding method that effectively meets the variety of individual student needs and characteristics inherent in an ever-growing and increasingly diverse student body;

11. Recent economic problems in the State have illustrated the necessity of using every public dollar to its maximum benefit;

12. Many other states use funding systems based on individual student needs and characteristics to advance their goals regarding student achievement; and

13. A new method for funding public schools in this State is necessary to continue to improve and advance the purpose of the State's public education system.

Sec. 22. 1. The Legislative Commission shall appoint a committee to conduct an interim study concerning the development of a new method for funding public schools in this State.

2. The committee 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 Education during the 76th Session of the Nevada 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 Education during the 76th Session of the Nevada Legislature.

3. The committee shall consult with and solicit input from individuals and organizations with expertise in matters relevant to the purpose of developing a new method for funding public schools in this State.



4. Any such method proposed by the committee must:
 - (a) Be consistent with the constitutional responsibility of the Legislature to provide for a uniform system of common schools; and
 - (b) Account for, and be based on, differences in the needs and characteristics of individual students.
 5. The committee shall submit a report on its findings, including, without limitation, any proposed methods for funding public schools in this State and any recommendations for legislation, to the 77th Session of the Nevada Legislature.
 6. The committee shall carry out the duties of this section only to the extent that money is available to do so from sources including, without limitation, gifts, grants and donations.
- Sec. 23. This act becomes effective on July 1, 2011.



ABSTRACT

COMMITTEE TO STUDY A NEW METHOD FOR FUNDING PUBLIC SCHOOLS

Senate Bill 11 (Chapter 424, *Statutes of Nevada 2011*)

The 76th Session of the Nevada Legislature approved Senate Bill 11 (S.B. 11), which directed the Legislative Commission to appoint a committee to conduct an interim study concerning the development of a new method for funding public schools in Nevada. The Legislative Commission appointed the Committee to Study a New Method for Funding Public Schools (Committee) composed of three members of the Assembly and three members of the Senate. Though no state funding was appropriated by the Legislature to conduct the study, Clark County School District raised a total of \$125,000 from various donors throughout the state to enable the Committee to proceed with its work.

The Committee held five meetings with the first meeting occurring on January 24, 2012, and the final work session meeting occurring on August 28, 2012. All meetings were videoconferenced between the Grant Sawyer State Office Building in Las Vegas, and the Legislative Building in Carson City. The Committee's meeting agendas, minutes, testimony and exhibits are available online at: <http://www.leg.state.nv.us/Interim/76th2011/Committee/Studies/FundingSchools/>.

The enabling legislation tasked the Committee with developing a new method for funding public schools in Nevada to continue to improve and advance the purpose of the state's public education system. In carrying out its responsibilities, S.B. 11 required that any new method for funding public schools proposed by the Committee must 1) be consistent with the constitutional responsibility of the Legislature to provide for a uniform system of common schools, and 2) account for, and be based on, differences in the needs and characteristics of individual students.

The Committee narrowed the scope of study to examine how other states incorporate into their models for financing public education, individual student needs and characteristics and the needs and challenges of school districts with small schools in remote areas. The individual student needs and characteristics selected to be examined were pupils with disabilities, English Language Learners, and at-risk pupils, as defined by certain metrics such as free and reduced-priced meals.

Pursuant to subsection 3, of Section 22 of S.B. 11, the Committee approved the issuance of a Request for Proposals (RFP) to contract with an independent consultant to assist the members in conducting the study. At its April 20, 2012 meeting, the Committee selected the American Institutes for Research (AIR) as the Committee's consultant. Under its contract with the Legislative Counsel Bureau and pursuant to the Committee's RFP, AIR conducted an analysis of the state's existing finance model for public schools, known as the *Nevada Plan*. AIR also researched other states' methodologies of incorporating individual student needs and

characteristics and the needs and challenges of school districts with small schools in remote areas into their finance models. The consultant also gathered information regarding concerns and issues with the *Nevada Plan* at two stakeholder meetings.

At the Committee's work session and final meeting held on August 28, 2012, the consultant presented its final report entitled "*Study of a New Method of Funding for Public Schools in Nevada*," which was unanimously accepted and approved by the Committee. The Committee then approved two recommendations for drafting legislation and six recommendations to be included in either a letter to the Governor or as a letter of recommendation to the Legislature in the Committee's final report.

SUMMARY OF RECOMMENDATIONS

COMMITTEE TO STUDY A NEW METHOD FOR FUNDING PUBLIC SCHOOLS

Senate Bill 11 (Chapter 424, *Statutes of Nevada 2011*)

At the Committee's final meeting on August 28, 2012, the Committee adopted a total of four (4) recommendations pertaining to the existing school finance model and four (4) recommendations for modification of Nevada's school finance model.

RECOMMENDATIONS PERTAINING TO NEVADA'S EXISTING SCHOOL FINANCE MODEL

1. Amend Chapter 387 of the *Nevada Revised Statutes* (NRS) to include the definition of the data modules of the school finance model and the basis for the allocation of special education funding. **(BDR -499)**

The Committee also recommended the creation of a stand-alone procedures manual for the administration of the state's school finance model and special education funding to be developed by the Department of Education and made available on its website.

2. Amend NRS 387 to require the Department of Education to review and update the underlying data modules utilized within the school finance model and special education funding every six years, in the period between legislative sessions. **(BDR -499)**
3. Draft a letter to the Governor recommending that in regard to the teacher allotment table, attendance areas and district groupings, the Department of Education review:
 - a. The existing school-level data on enrollments and actual teacher allocations and compare current pupil-teacher ratios with those suggested by the existing teacher allotment table.
 - b. The structure and underlying concepts on which attendance areas were built and the way in which full-time equivalent (FTE) allocations generated by the teacher allotment table are affected by the choice of attendance areas. Additionally, based on the review of the attendance areas module, evaluate whether the teacher allotment table should be applied to school zones rather than the larger attendance areas.
 - c. The criteria for grouping districts for the calculations contained within the *Nevada Plan*. Specifically, investigate the appropriateness of the existing district groupings and analyze staffing and expenditures on non-personnel resources across districts in relation to their size, density values and other criteria such as distances between schools, which would inform policymakers whether the existing groupings of

districts are appropriate and what impact alternative groupings would have on the formula allocations.

4. Draft a letter to the Governor recommending that the Department of Education review the consultant's report with respect to the implicit wage differential adjustment in the school finance model, and recommend to the 77th Session of the Legislature, options for objective indices that meet the criteria outlined in the report.

RECOMMENDATIONS PERTAINING TO MODIFICATIONS OF NEVADA'S SCHOOL FINANCE MODEL

5. Include a letter of recommendation in the Committee's final report that the state consider moving to a weighted funding formula that considers unique student population needs and characteristics.
6. With respect to funding for special education, include a letter of recommendation in the Committee's final report that Nevada consider a census-based approach with a contingency fund and that the state study specific details of the program and implementation of this approach.
7. Draft a letter to the Governor recommending that the Department of Education: (a) review the state's method of determining the count of enrollment on which school funding is allocated, and (b) report to the 77th Session of the Legislature whether the state's approach of using a single count day should be modified, and if so, the approach recommended.
8. Draft a letter to the Governor recommending that the Department of Education review how the state's existing categorical funding might be used more flexibly with greater accountability tied to improvement in outcomes for specific subpopulations of students.

BULLETIN NO. 13-08

**LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY
THE FUNDING OF HIGHER EDUCATION**

Senate Bill 374
(Chapter 375, *Statutes of Nevada 2011*)

Members

Senator Steven A. Horsford, Chair
Senator Ben Kieckhefer
Senator David R. Parks
Assemblyman Paul Aizley
Assemblyman Pat Hickey
Assemblywoman Debbie Smith
Hugh Anderson, Governor Appointment
Mike Dillon, Governor Appointment
Heidi Gansert, Governor Appointment
Jason Geddes, Ph.D., Regent, Chair of Board of Regents Appointment
Kevin J. Page, Regent, Chair of Board of Regents Appointment
Michael B. Wixom, Regent, Chair of Board of Regents Appointment

Nonvoting Members

Jeffrey Mohlenkamp, Governor Appointment
Gregory Mosier, Governor Appointment
Michael Richards, Governor Appointment
Spencer Stewart, Governor Appointment

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Senate Bill 374
(Chapter 375, *Statutes of Nevada 2011*)

Senate Bill No. 374—Senator Lee

CHAPTER.....

AN ACT relating to higher education; creating the Committee to Study the Funding of Higher Education; prescribing the powers and duties of the Committee; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates the Committee to Study the Funding of Higher Education, establishes the composition of the Committee and prescribes the powers and duties of the Committee. This bill further makes appropriations for the purposes of: (1) conducting a study of the funding of higher education; and (2) paying for the cost of the participation of the members of the Committee who are Legislators.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~(omitted material)~~ is material to be omitted.

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

Section 1. 1. The Committee to Study the Funding of Higher Education, consisting of 12 voting members and 4 nonvoting members, is hereby created.

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

(a) Three members of the Senate, two of whom are appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate;

(b) Three members of the Assembly, two of whom are appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly;

(c) Three members of the Board of Regents of the University of Nevada, appointed by the Chair of that Board; and

(d) Three members appointed by the Governor.

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

(a) One person who is employed in the Budget Division of the Department of Administration; and

(b) Three persons who are employed by the Nevada System of Higher Education.

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

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



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

(a) The voting members of the Committee who are Legislators are entitled to receive the compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session, plus the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218A.655.

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

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

Sec. 2. The Committee shall:

1. Compare the existing method of funding higher education in Nevada with the methods used in other states;

2. Determine whether the other methods would be appropriate and useful in Nevada, whereby different missions of universities, state college, colleges and research institutes are appropriately considered in the funding of public higher education in Nevada;

3. Review the funding of remediation in the context of instructional delivery methods;

4. Consider the retention of resident registration fees and nonresident tuition outside of the state supported operating budget;

5. Consider funding in the context of completed courses in contrast to the current method of funding enrollments; and

6. Consider rewarding institutions within higher education for achieving defined goals for graduating students.

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

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

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

Sec. 6. There is hereby appropriated from the State General Fund to the Legislative Fund the sum of \$150,000 for the purpose of



conducting a study of the funding of higher education as provided in sections 1 to 5, inclusive, of this act.

Sec. 7. There is hereby appropriated from the State General Fund to the Legislative Fund the sum of \$18,064 for the purpose of the paying for the cost of the participation of the members of the Committee who are Legislators as provided in sections 1 to 5, inclusive, of this act.

Sec. 8. Any remaining balance of the appropriation made by section 6 or 7 of this act must not be committed for expenditure after June 30, 2013, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2013, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2013.

Sec. 9. The Committee shall submit to the Legislative Commission a report of its findings and recommendations for legislation before the commencement of the 77th Session of the Nevada Legislature.

Sec. 10. This act becomes effective on July 1, 2011.



ABSTRACT

COMMITTEE TO STUDY THE FUNDING OF HIGHER EDUCATION

Senate Bill 374

(Chapter 375, *Statutes of Nevada 2011*)

The 76th Session (2011) of the Nevada Legislature approved Senate Bill 374 (S.B. 374), which established the Committee to Study the Funding of Higher Education (Committee) and appropriated \$150,000 in General Fund appropriations to conduct the study. The Committee consisted of 12 voting members and 4 non-voting members. The Committee was charged with comparing the existing method for funding higher education in Nevada with the methods used in other states and determining whether those methods would be appropriate and useful in Nevada. In carrying out its responsibilities, Section 2 of S.B. 374 required the Committee to:

1. Compare the existing method of funding higher education in Nevada with the methods used in other states;
2. Determine whether the other methods would be appropriate and useful in Nevada, whereby different missions of universities, state college, colleges and research institutes are appropriately considered in the funding of public higher education in Nevada;
3. Review the funding of remediation in the context of instructional delivery methods;
4. Consider the retention of resident registration fees and non-resident tuition outside of the state supported operating budget;
5. Consider funding in the context of completed courses in contrast to the current method of funding enrollments; and
6. Consider rewarding institutions within higher education for achieving defined goals for graduating students.

In comparing other states methods to fund higher education, the Committee reviewed the existing (but suspended) higher education funding formula that was adopted by the 2001 Legislature from the recommendations of the 1999-2000 Interim Committee to Study the Funding of Higher Education pursuant to S.B. 443 of the 1999 Legislature. In addition, the Committee examined an alternative funding formula model proposed by the Nevada System of Higher Education (NSHE).

The Committee met seven times with the first meeting occurring on November 29, 2011, and the final meeting on August 29, 2012. In addition to meeting seven times, the Committee formed three Subcommittees – the Funding Formula Subcommittee; the Performance Pool, Economic and Workforce Development, and Research Subcommittee; and the Community College Funding Subcommittee – to conduct more in-depth examinations and discussions on policy issues related to:

- Other states' funding formulas, as well as the alternative formula model proposed by the NSHE;

- Performance funding, alignment with Nevada’s economic and workforce development efforts, and a performance funding pool recommended by a National Governors Association (NGA)-sponsored Policy Academy Team comprised of representatives from the Governor’s Office and the NSHE; and
- Improving local, federal and other grant funding at the NSHE community colleges.

The Funding Formula Subcommittee and the Performance Pool, Economic and Workforce Development, and Research Subcommittee each met three times between June and August 2012; the Community College Subcommittee met two times between July and August 2012. The Subcommittees reviewed information and developed policy recommendations for the full Committee’s consideration at the Committee’s final meeting.

The meetings of the Committee and the Subcommittees were videoconferenced between the Grant Sawyer State Office Building, Las Vegas, the Legislative Building, Carson City and Great Basin College, Elko, Nevada. However, on two occasions, the Committee held its meeting on the University of Nevada, Las Vegas campus, rather than at the Grant Sawyer State Office Building. Additionally, several of the meetings were also videoconferenced to the University of Nevada, Reno and Western Nevada College, Fallon campus. At each meeting, the Committee and the Subcommittees heard testimony from students and faculty of the Nevada System of Higher Education and members of the public. The Committee’s and Subcommittees’ respective meeting agendas, minutes, testimony and exhibits are available online under *Interim Studies* at: <http://www.leg.state.nv.us/interim/76th2011/committee/>.

Pursuant to Section 6 of S.B. 374 and at the direction of the Committee, the Fiscal Analysis Division released a Request for Proposals (RFP) to obtain the services of a consultant to assist the Committee in carrying out its responsibilities. At its February 29, 2012, meeting, the Committee selected SRI International (SRI) as the Committee’s consultant. Under its contract with the Legislative Counsel Bureau and pursuant to the Committee’s RFP, SRI researched and prepared reports to the Committee on other states’ methodologies for the funding of higher education, including best practices. The Committee’s consultant also examined the alternative funding formula model proposed by the NSHE.

During its final meeting on August 29, 2012, based upon the work of the Subcommittees, the Committee adopted 11 recommendations pertaining to a new higher education funding formula, 2 recommendations regarding the establishment of a performance funding pool and 2 recommendations related to the funding of the NSHE community colleges.

SUMMARY OF RECOMMENDATIONS

COMMITTEE TO STUDY THE FUNDING OF HIGHER EDUCATION

Senate Bill 374

(Chapter 375, *Statutes of Nevada 2011*)

At its final meeting on August 29, 2012, the Committee adopted 11 recommendations pertaining to a new higher education funding formula, 2 recommendations regarding the establishment of a performance funding pool and 2 recommendations related to the funding of the NSHE community colleges.

RECOMMENDATIONS PERTAINING TO A NEW HIGHER EDUCATION FUNDING FORMULA

1. For purposes of distributing available General Fund appropriations to the Nevada System of Higher Education (NSHE), the primary driver of a new funding formula should be completed, weighted student credit hours (WSCH) rather than student enrollments. Completed credit hours were defined as those for which a letter grade or code other than “FN” (“F” for non-attendance), “W” (Withdrawal), and blank were issued.

Additionally, the Committee recommended a mandatory, prospective policy to the Board of Regents to standardize the issuance and associated data collection of FN grades. However, the Committee did not adopt a specific timeframe to exclude FN grades from the count of WSCH.

2. Only WSCH completed by Nevada residents should be counted. Non-resident student credit hours should be excluded from the funding formula and General Fund appropriation support.
3. Beginning with the 2013-15 biennium, completed WSCH should be projected as flat (equal) to the most recent fiscal year for which final or preliminary final data is available.
4. Student credit hours should be weighted to reflect both cost level differences by academic discipline (Liberal Arts versus Biological and Biomedical Sciences) and instructional level differences (lower division undergraduate, upper division undergraduate, masters, doctoral). For purposes of calculating WSCH, a remedial instruction credit hour should be weighted the same as a lower division undergraduate Liberal Arts credit hour. Upper division undergraduate and graduate credit hours at the University of Nevada, Las Vegas and the University of Nevada, Reno should receive an additional weighting of 10 percent to reflect the universities’ research mission.

Related to the weighting of student credit hours, the Committee recommended sending a letter to the Board of Regents recommending that the Board determine the scope and cost of a cost study to determine Nevada-specific credit hour weightings for presentation as a standalone funding item to the 2013 Legislature.

Related to remedial instruction, the Committee supported sending a letter to the Board of Regents recommending a policy that students who complete a remedial instruction course be given priority placement in a for-credit course of the same discipline in the succeeding semester.

5. Available General Fund appropriations should be distributed among the seven teaching institutions' state supported instructional operating budgets based upon the count of WSCH multiplied by a uniform "Per Credit Hour Rate." The "Per Credit Hour Rate" would be calculated by dividing the available General Fund appropriation, less pre-formula allocations (numerator) by the total WSCH (Denominator).
6. The student-derived revenues (registration fees, non-resident tuition and miscellaneous student fees) and other non-General Fund revenues budgeted by each NSHE teaching institution in its state supported instructional operating budget should:
 - a. Continue to be budgeted (for the purpose of transparency) in the state supported operating budgets;
 - b. No longer be considered as an offset when determining General Fund appropriation support; and
 - c. Continue to be retained and expended by the institutions at which they are generated.
7. Both Great Basin College and Western Nevada College should receive a Small Institution adjustment of additional General Fund appropriations outside of the funding formula allocation to support the cost of these institutions' administrative/institutional infrastructure, as the projected WSCH would not generate sufficient funding. Funding for this adjustment should decrease from \$1.5 million to \$0.0 (at a rate of approximately \$30.00 per WSCH) as an institution's annual count of WSCH increases from 50,000 to 100,000 WSCH. Funding and distribution of the adjustment would be allocated prior to the calculation of the Per Credit Hour Rate.
8. The General Fund support of the cost of the operations and maintenance (O&M) of an institution's instruction-related physical plant (buildings and grounds) should be included in the Per Credit Hour Rate. However, the Committee did not reach consensus or take action on the proposed General Fund appropriation adjustment for the University of Nevada, Las Vegas and the University of Nevada, Reno to fund their non-instructional research operations and maintenance costs.

9. The state supported operating budgets for the University of Nevada School of Medicine, the UNLV School of Law and the UNLV School of Dental Medicine should continue to be excluded from the funding formula and remain based upon the Base-Maintenance-Enhancement budget format.
10. The Desert Research Institute's (DRI's) state supported operating budget should be funded, in part, through a separate funding formula. Desert Research Institute's non-General Fund supported research expenditures should be utilized as the basis to calculate the level of General Fund appropriation support for DRI's institutional and research administrative costs. State support for DRI's O&M costs would not be included in the funding formula.
11. The recommended, new funding formula should be implemented over a 1 biennium/2 fiscal year period effective with the 2013-15 biennium. If additional (new) General Fund appropriations are available to be allocated to the NSHE, "hold-harmless" funding should be provided to those institutions projected to receive less General Fund appropriation under the new funding formula than received in the 2011-13 biennium.

RECOMMENDATIONS PERTAINING TO IMPLEMENTATION OF A PERFORMANCE FUNDING POOL

1. A performance funding pool should be established for the seven teaching institutions:
 - a. The pool should be funded from the institution's existing or "base" General Fund appropriations contained in the institutions' main state supported instructional-operating budgets rather than be funded with new General Fund appropriations;
 - b. The pool should be implemented over four fiscal years beginning July 1, 2014;
 - c. The initial funding pool should be funded at 5.0 percent of base General Fund appropriations in FY 2015, increasing by 5.0 percent each successive year until 20.0 percent is reached in FY 2018.
2. The Board of Regents should establish a working group to refine/finalize recommendations as to the performance pool's structure, operation, specific performance measures and associated weighting. Based upon the working group's recommendations, the Board of Regents should then provide recommendations to the Governor and the 2013 Legislature.

However, when discussing remedial instruction at the institutions, the Committee recommended that a performance pool weight be given for minority and low-income gateway (course) completers for all three institutional levels.

RECOMMENDATIONS PERTAINING TO FUNDING OF THE COMMUNITY COLLEGES

1. The Board of Regents should adopt policies that assist the community colleges in being more effective in competing for federal grants including, the Community College and Career Training Grant (C3TG) and Hispanic-Serving Institution (HSI) designation grants and other available community college funding resources, both private and federal. Additionally, the Committee recommended that a letter be sent to the Board of Regents asking for a plan of action and recommending to the Board that it review or update its strategic plan to include assisting the community colleges with competing for non-state funding opportunities.

2. In the implementation of a new funding formula, the Board of Regents should give attention to the following issues impacting community college students in particular and all NSHE institutions in general:
 - a. The necessity for a system of “like” student IDs throughout the system;
 - b. Increasing dual credit opportunities;
 - c. Tuition transparency; and
 - d. The transfer of credits.

BULLETIN NO. 13-09

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

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

Members

Senator Donald Gary Gustavson, Chair
Assemblyman Peter (Pete) J. Goicoechea, Vice Chair
Senator John J. Lee
Senator Michael A. Schneider
Assemblywoman Teresa Benitez-Thompson
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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~~ *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 two meetings during the 2011-2012 Interim. Both meetings were held at the Legislative Building in Carson City, Nevada, with two members attending via videoconference from the Grant Sawyer State Office Building in Las Vegas, 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, and conservation; and
- Various related topics, such as the Truckee River Flood Management Project and the continuing need to address domestic well and septic system use and conversion to municipal water and sewer systems in Washoe County.

As a result of these hearings, the Committee adopted one recommendation for a bill draft to be considered by the 2013 Legislature. The recommendation seeks to extend the life of the Committee beyond its current 2013 sunset date and to expand the Committee's jurisdiction in the future to allow for ongoing study of water issues statewide.

SUMMARY OF RECOMMENDATION

**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 recommendation unanimously approved during the 2011-2012 Interim by the Legislative Committee to Oversee the Western Regional Water Commission. The following bill draft request (BDR) will be submitted to the 77th Session of the Nevada Legislature:

- Submit a BDR to extend the life of the Committee indefinitely and expand the Committee's authority so that it may study water issues across the State. **(BDR 17-144)**

BULLETIN NO. 13-10

ADVISORY COMMISSION ON THE ADMINISTRATION OF JUSTICE

(Nevada Revised Statutes 176.0123)

Members

Assemblyman William C. Horne, Chair
Justice James W. Hardesty, Nevada Supreme Court, Vice Chair
Senator Greg Brower
Senator David R. Parks
Assemblyman Richard McArthur
Judge David Barker, Eighth Judicial District Court
Connie S. Bisbee, Chair, State Board of Parole Commissioners
Chuck Callaway, Police Director, Office of Intergovernmental Services,
Las Vegas Metropolitan Police Department
Catherine Cortez Masto, Attorney General
James G. (Greg) Cox, Director, Department of Corrections
Larry Digesti, Representative, State Bar of Nevada
Lisa Morris Hibbler, Victims Rights Advocate
Mark Jackson, Douglas County District Attorney
Phil Kohn, Clark County Public Defender
Jorge Pierrott, Sergeant, Division of Parole and Probation,
Department of Public Safety
Richard Siegel, Legislative Chairperson, ACLU of Nevada, Inmate Advocate
D. Eric Spratley, Lieutenant, Washoe County Sheriff's Office

Staff Contacts

Legal Division:
Nicolas C. Anthony, Senior Principal Deputy Legislative Counsel
Melissa Mundy, Deputy Legislative Counsel
Angela Hartzler, Secretary
(775) 684-6830

Nevada Revised Statutes

NRS 176.0123 Creation; members and appointing authorities; Chair; 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 members of the Assembly, 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 Chair by majority vote who shall serve until the next Chair 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 Chair.

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 Director of the Legislative Counsel Bureau 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; 2009, 2569)

ABSTRACT

ADVISORY COMMISSION ON THE ADMINISTRATION OF JUSTICE

Nevada Revised Statutes 176.0123

The 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 findings and any recommendations for proposed legislation. Although the Advisory Commission does not have statutory authority to request bill drafts, individual Legislators and the Assembly Committee on Judiciary have chosen to sponsor the Advisory Commission's recommendations for legislation.

This Advisory Commission was born out of the former Advisory Commission on Sentencing (Sentencing Commission). The Sentencing Commission was originally established by statute in 1995 after the Legislature enacted "truth in sentencing," which required a defendant to serve 100 percent of his or her minimum sentence. However, the Sentencing Commission, whose membership was limited, laid largely dormant for many years. Then in 2007, the Legislature enacted Assembly Bill No. 508, which reconstituted and broadened the membership, duties and scope of the Sentencing Commission to resemble its current form as the Advisory Commission.

Members of the Advisory Commission are appointed each interim and serve for a two year term between biennial sessions of the Nevada Legislature. Throughout the interim, the Advisory Commission holds numerous public meetings to review the criminal justice system in Nevada.

SUMMARY OF RECOMMENDATIONS

ADVISORY COMMISSION ON THE ADMINISTRATION OF JUSTICE

Nevada Revised Statutes 176.0123

The 2011-2012 Advisory Commission on the Administration of Justice held a final work session on October 10, 2012. At that work session, the Advisory Commission voted to approve six recommendations for the drafting of legislation, two recommendations for the drafting of a letter, and one recommendation to include a statement in the final report.

BILL DRAFT REQUESTS

1. Draft legislation to revise provisions relating to the eligibility of certain convicted persons to complete a program of regimental discipline (NRS 176A.780). **(BDR -740)**
2. Draft legislation to reinstate a 90 day diagnostic “Safe Keeper Evaluation” prison term. (See former NRS 176.158.) **(BDR -742)**
3. Draft legislation to amend chapter 176 of NRS to require certain time periods for submittal of presentence investigation reports. **(BDR -741)**
4. Draft legislation to expand (by 50 persons) and extend the sunset date (by two years) of the pilot diversionary program for alcohol/drug abuse and mental illness established by Assembly Bill No. 93 (2011). **(BDR -744)**
5. Draft legislation authorizing the Director of the Department of Administration to enter into interlocal agreements to use the Fund for Compensation of Victims of Crime to reimburse counties for the fees associated with sexual assault exams. The proposal also seeks to expand the list of potential applicants to the Fund. **(BDR -743)**
6. Draft legislation to reintroduce Senate Bill No. 265 (2011), first reprint, relating to the aggregation of consecutive sentences. **(BDR -447)**

DRAFT A LETTER

7. Draft a letter to the Governor and the Chairs of the Assembly Committee on Ways and Means and the Senate Committee on Finance, requesting the Governor and the Legislature to consider sufficiently funding all of the policy recommendations from the Advisory Commission on the Administration of Justice. This letter would include requests for funding relating to: regimental discipline, the safe keeper program, presentence and postconviction reports, the pilot diversionary program, and funding of the Office of State Public Defender.

8. Draft a letter to the Chairs of the Assembly and Senate Committees on Judiciary and the Chairs of the Assembly and Senate Committees on Government Affairs requesting that the respective legislative committees examine the appropriate location, assignment and delegation of the Office of Sate Public Defender and to provide adequate funding for the operation of that Office (NRS 180.010).

INCLUDE A STATEMENT

9. Include a statement in the final report recognizing the need to continue to investigate and support the future study of Nevada's criminal justice system, and to continue to identify possible outside non-state resources for the funding of such technical assistance.

BULLETIN NO. 13-11

**NEVADA LEGISLATURE'S INTERIM RETIREMENT
AND BENEFITS COMMITTEE**

Nevada Revised Statutes 218E.420

Members

Senator Steven A. Horsford, Chair
Assemblywoman Debbie Smith, Vice Chair
Senator Ben Kieckhefer
Senator Sheila Leslie (Resigned)*
Assemblyman Marcus L. Conklin
Assemblyman Randy Kirner

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**Note: Senator Sheila Leslie resigned from office on February 14, 2012.*

**THE REPORT IS NOT AVAILABLE
AT THIS TIME.**

For information about the Interim Committee, please see: <http://www.leg.state.nv.us/Interim/76th2011/Committee/StatCom/Retirement/?ID=31>.

BULLETIN NO. 13-12

LEGISLATIVE COMMITTEE ON PUBLIC LANDS

Nevada Revised Statutes 218E.510

Members

Assemblywoman Maggie Carlton, Chair
Senator Dean A. Rhoads, Vice Chair
Senator Greg Brower
Senator Mark A. Manendo
Senator David R. Parks
Assemblyman Paul Aizley
Assemblywoman Irene Bustamante Adams
Assemblyman Ira Hansen
Chris Giunchigliani, Clark County Commissioner

Alternate Members

Senator Donald Gary Gustavson
Senator Michael A. Schneider
Assemblyman Richard (Skip) Daly
Assemblyman Peter (Pete) J. Goicoechea

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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 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 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. 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 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:

(a) May designate an alternate appointed by the Legislative Commission to serve in place of a regular member who is unable to attend a meeting; and

(b) 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; 2011, 3224)—
(Substituted in revision for NRS 218.5363)

ABSTRACT

LEGISLATIVE COMMITTEE ON PUBLIC LANDS

Nevada Revised Statutes 218E.510

The Legislative Committee on Public Lands is a permanent committee of the Nevada Legislature created in 1983. Chapter 218E of the *Nevada Revised Statutes* (NRS) sets forth the Committee's authority and duties.

The Committee considers a wide range of subjects covering all facets of forest and range science, methods of public land management and oversight, resources associated with the public lands, and rural infrastructure and public services. The Committee is responsible for reviewing and commenting on existing and proposed laws, policies, and regulations affecting federally managed lands in Nevada—which make up over 85 percent of the State's land area—and reviewing the activities of the Colorado River Commission of Nevada and public water authorities, districts, and systems in Nevada. The Committee also provides a forum for the discussion of matters relating to the conservation, disposal, management, preservation, and use of the public lands with federal, State, and local officials, representatives of special interest organizations, and others.

The Committee held five meetings during the 2011-2012 Interim. Two of the meetings took place at the Legislative Building in Carson City, and the others in Elko, Ely, and Las Vegas.

The Committee received and discussed reports from:

- The Carson City and Elko District Offices and the Nevada State Office of the Bureau of Land Management, United States Department of the Interior;
- The Humboldt-Toiyabe National Forest and its Bridgeport, Carson City, Elko, Jarbidge, and Ruby Mountain Ranger Districts, U.S. Forest Service, U.S. Department of Agriculture;
- Carson City and Churchill, Clark, Douglas, Elko, Eureka, Humboldt, Lander, Washoe, and White Pine Counties;
- The Carson Water Subconservancy District; the Central Nevada Regional Water Authority; the Colorado River Commission of Nevada; the Humboldt River Basin Water Authority; the Southern Nevada Water Authority; and the Virgin Valley Water District;
- The Division of Forestry, Division of State Lands, and Division of Water Resources, State Department of Conservation and Natural Resources; and

- The State Department of Agriculture.

In addition, the Committee received reports and discussed important topics affecting the public lands, including:

- Activities and programs in southern Nevada relating to the Southern Nevada Public Land Management Act of 1998;
- The recent rulings of the State Engineer on applications to appropriate underground waters in Lincoln and White Pine Counties;
- The definition of “wildlife” as used in Title 48 (“Water”) of the NRS;
- Policies related to the Greater Sage-grouse in Nevada, and the recommendations of the Governor’s Greater Sage-grouse Advisory Committee;
- The provisions and implementation of the federal Equal Access to Justice Act of 1980 as they relate to litigation affecting public lands;
- Research on cheatgrass invasion and Pinyon-juniper encroachment;
- Best management practices for Nevada’s public lands, including landscape-scale and watershed-scale treatments; grazing and ranching practices; management of invasive plants; and restoration of disturbed sites;
- The relationship between livestock grazing and the cheatgrass-fire cycle;
- Wild horse and burro budgets, holding facilities, and statistics, and the proposed Mustang Monument Wild Horse Sanctuary in Elko County; and
- Wildfire-related programs in northeastern Nevada.

At its work session in Carson City, the Committee approved five proposals for drafting legislation and another 20 proposals for sending letters or including statements in the final report. Topics covered included:

- Energy;
- Grazing on public lands;
- The Greater Sage-grouse;
- Pinyon-juniper woodlands;

- Public lands, generally; and
- Water resources and water supplies.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON PUBLIC LANDS

Nevada Revised Statutes 218E.510

This summary presents the recommendations approved by the Legislative Committee on Public Lands during the 2011-2012 Legislative Interim at its final meeting on August 24, 2012, in Carson City, Nevada. The bill draft requests (BDRs) will be forwarded to the Legislative Commission for transmittal to the 77th Session of the Nevada Legislature in 2013.

RECOMMENDATIONS FOR LEGISLATION

10. Amend the statutes governing the sale of electricity and the provision of transmission and distribution services by the Colorado River Commission of Nevada to implement the federal Hoover Power Allocation Act of 2011 (Public Law 112-72). **(BDR 58-206)**
11. Adopt a resolution emphasizing the potential impacts on Nevada's rural and urban areas of listing the sage-grouse as an endangered species, and urging the Governor to incorporate the continuing involvement of the Legislature in efforts to preclude the listing. **(BDR R-207)**
12. Adopt a resolution urging Congress to ensure that public lands in Nevada remain open to multiple use and that Nevada and its local governments receive a portion of the revenues from commercial activities conducted on the public lands. **(BDR R-208)**
13. Adopt a resolution urging the Bureau of Land Management (BLM), United States Department of the Interior, and the U.S. Forest Service (USFS), U.S. Department of Agriculture, to consider an increase in livestock grazing under certain circumstances, in order to prevent range fires. **(BDR R-209)**
14. Adopt a resolution expressing the intent of the Legislature to establish a biomass industry to restore Pinyon-juniper and sagebrush ecosystems on public lands for the enhancement of economic stability, energy production, hydrologic function, rangeland health, and wildlife habitat. **(BDR R-210)**

RECOMMENDATIONS FOR COMMITTEE ACTION

15. Send a letter to the U.S. Secretary of Agriculture and the Secretary of the Interior supporting the recommendations of the Governor's Greater Sage-grouse Advisory Committee and emphasizing what is being done and what can be accomplished in Nevada to manage Pinyon-juniper woodlands and sagebrush ecosystems and preclude the listing of the Greater Sage-grouse as an endangered species under the federal Endangered Species Act of 1973.
16. Send a letter to Nevada's agricultural producers, expressing the Committee's support for their efforts to help preclude the listing of the sage-grouse and urging them to continue those efforts.
17. Send a letter to Nevada's Congressional Delegation emphasizing the potential impacts of listing the sage-grouse on both the rural and urban parts of the State, and emphasizing what is being done to preclude the listing.
18. Send letters to the Nevada System of Higher Education, the USFS, and other parties as appropriate, supporting ongoing research concerning the control of cheatgrass, red brome, and other annual grasses that contribute to the cheatgrass-fire cycle in Nevada.
19. Send a letter to the Forest Supervisor, Humboldt-Toiyabe National Forest, urging the USFS to revise its process for preparing and updating travel management plans for the National Forest.
20. Send a letter to the Director of the Nevada State Office of the BLM, urging the BLM to work with local governments, the State of Nevada, and the users of the public lands to expedite verification of R.S. 2477 rights-of-way for access to private property.
21. Send a letter to the BLM and the USFS urging the agencies to work with grazing permittees to ensure that: (a) management decisions are based on the best rangeland science; (b) flexibility is included in grazing permits to allow for adaptive management as conditions change; and (c) the quality and quantity of data collected is adequate to support decisions based on measurable resource objectives.
22. Send a letter to the Nevada Pinyon-Juniper Partnership expressing the Committee's support for the Partnership and its mission of promoting proactive, sound management to achieve healthy ecosystems for stronger communities.
23. Send a letter to the U.S. Secretary of the Interior and the Secretary of Agriculture, the Acting Director of the BLM, the Chief of the USFS, and Nevada's Congressional Delegation expressing the Committee's support for establishment of a biomass industry, in order to expand efforts to restore Pinyon-juniper and sagebrush ecosystems at a landscape

scale on public lands for the benefit of economic stability, energy production, hydrologic function, rangeland health, and wildlife habitat.

24. Send a letter to the Chairs of the Assembly Committee on Ways and Means and the Senate Committee on Finance in support of restoration of funding to the Division of Water Resources, State Department of Conservation and Natural Resources, for processing the backlog of water rights applications and enhancing online data sources.
25. Send a letter to the Governor, the Senate Committee on Finance, and the Assembly Committee on Ways and Means, urging their support for the necessary resources and staff for the State Engineer to set priorities and take action on orders and petitions for determining the relative rights of various claimants to the waters of any stream or water system.
26. Send a letter to the Chief of the USFS and the Forest Supervisor, Humboldt-Toiyabe National Forest, urging no further delays in approving and investing in water-related range improvements, notwithstanding the concerns of the USFS with Nevada water law on stockwater rights, and requesting the USFS to revise its policy requiring federal ownership of stockwater rights as a prerequisite to authorizing federal expenditures on livestock water improvements on the National Forest.
27. Send a letter to the Director of the Nevada State Office of the BLM expressing concern about the management of the Shoshone Ponds Area of Critical Environmental Concern in Spring Valley in White Pine County and inviting the BLM to meet with the Chair and interested members of the Legislative Committee on Public Lands to review the management objectives.

RECOMMENDATIONS FOR STATEMENTS IN THE FINAL REPORT

28. Include a statement in the final report calling for more collaboration and cooperation in the management of the public lands, on such subjects as fuels management, grazing leases and permits, land use plans, management of wild horses and burros, rights-of-way, travel management plans, water improvements, water resources, wilderness designations, and others.
29. Include a statement in the final report supporting improved accountability and transparency in the administration of the Equal Access to Justice Act (EAJA) of 1980, while respecting the intent of the EAJA, which is to create a level playing field on which individual citizens may question management decisions of federal agencies.
30. Include a statement in the final report supporting streamlining of both federal and State permitting of activities on public lands, provided that such streamlining preserves necessary community and natural resource protections.

31. Include a statement in the final report supporting: (a) full funding for the Payments in Lieu of Taxes (PILT) program; (b) reauthorization of the Secure Rural Schools and Community Self-Determination Act (SRS) of 2000; (c) no reduction in PILT payments based on SRS payments; and (d) a shift in emphasis for these programs to create jobs and produce receipts for revenue sharing.
32. Include a statement in the final report supporting sharing of federal receipts from commercial activity on public lands among the federal government, the State of Nevada, and Nevada's counties.
33. Include a statement in the final report concerning the renewal of grazing permits, supporting a review of the fee formula, a streamlined renewal process with accountability and flexibility, identification of the circumstances in which it is appropriate to extend permit terms to 20 years, and elimination of unwarranted delays.
34. Include a statement in the final report supporting legislative authority for and funding of drought monitoring, response planning, and mitigation measures resulting from the work of Nevada's Drought Response Committee.

**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 Kelly Kite, Vice Chair
Senator David R. Parks
Senator James A. Settlemeyer
Assemblywoman Teresa Benitez-Thompson*
Assemblywoman Marilyn Kirkpatrick

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**Note: The Legislative Commission appointed Assemblywoman Teresa Benitez-Thompson to the Committee on February 15, 2012, to replace Assemblywoman Peggy Pierce, who resigned from the Committee on February 8, 2012.*

Nevada Revised Statutes

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

[Effective through September 30, 2015, and after that date if by that date the amendments to the Tahoe Regional Planning Compact proposed by this State are approved pursuant to Public Law 96-551, the State of California enacts amendments that are substantially identical to those amendments, and the governing board of the Tahoe Regional Planning Agency adopts an update to the 1987 Regional Plan, or effective through September 30, 2017, if those events have not taken place by July 1, 2015, and the Governor issues a proclamation before October 1, 2015, that those events are likely to take place in the reasonably foreseeable future and effective after September 30, 2017, if those events take place by September 30, 2017.]

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 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 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; 2011, 3227](#))—(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 (NRS) 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, to provide representation from various geographic regions of the State.

Prior to 2003, review and oversight of the TRPA and Marlette Lake Water System was conducted by two separate committees. Every interim since 1985 with the exception of one interim, the Nevada Legislature has provided review and oversight of the TRPA either through an interim study or this statutory committee. The Marlette Lake Water System Advisory Committee was a permanent committee authorized by NRS 331.165, which was repealed by S.B. 216. With the passage of S.B. 216, a statutory committee was created with oversight responsibility for both the TRPA and the Marlette Lake Water System.

The Committee held five meetings in the Lake Tahoe Basin during the 2011–2012 Interim. 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 voted to send two Committee letters.

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 2011–2012 Interim by the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System.

RECOMMENDATIONS FOR LEGISLATION

No legislation was recommended.

RECOMMENDATIONS FOR COMMITTEE LETTERS

1. On May 21, 2012, the Committee voted to send a letter to Ray LaHood, Secretary of Transportation, United States Department of Transportation, in support of the Transportation Investment Generating Economic Recovery IV grant application from the Tahoe Transportation District and the Tahoe Metropolitan Planning Organization for the *U.S. Highway 50 South Shore Community Revitalization Project–California and Nevada*.
2. On October 1, 2012, the Committee voted to send a letter to Governor Brian Sandoval to encourage the issuance of General Obligation Bonds, as authorized with the enactment of Senate Bill 438 (Chapter 437, Statutes of Nevada) of the 2011 Session, when the State's bonding capacity recovers.

LEGISLATIVE COMMITTEE ON EDUCATION

Nevada Revised Statutes 218E.605

Members

Assemblyman David P. Bobzien, Chair
Senator Moises (Mo) Denis, Vice Chair
Senator Shirley A. Breeden
Senator Donald Gary Gustavson
Senator Mark A. Manendo
Assemblywoman Marilyn Dondero Loop
Assemblyman Harvey J. Munford
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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 Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. The office of Chair of the Committee must alternate each biennium between the Houses. If a vacancy occurs in the office 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 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 [1997, 1775](#); A [2009, 1150, 1560](#); [2011, 3230](#))—(Substituted in revision for NRS 218.5352)

ABSTRACT

LEGISLATIVE COMMITTEE ON EDUCATION

Nevada Revised Statutes 218E.605

The Legislative Committee on Education (LCE) is a permanent committee of the Nevada Legislature whose authorization and duties are set forth in *Nevada Revised Statutes* (NRS) 218E.600 through 218E.620. Created in 1997 with the enactment of Senate Bill 482 (Chapter 473, *Statutes of Nevada*), known as the Nevada Education Reform Act (NERA), the LCE reviews and monitors the condition of public elementary and secondary education. It may recommend legislation in a number of areas, including statewide programs in accountability, student performance, teacher preparation, compliance with federal requirements, the statewide student information system, class-size reduction, and any other fiscal or policy concerns associated with public education.

The LCE held seven meetings during the 2011–2012 Interim. Pursuant to the Committee’s charge as provided in NRS 218E.615, the LCE considered a number of topics relating to elementary and secondary education, including the impact of the provisions contained in Nevada’s Waiver from certain accountability requirements of the federal Elementary and Secondary Education Act (ESEA) on Nevada’s statewide system of accountability. The Committee also received presentations concerning student achievement; student health and safety; the administration of examinations, including Nevada’s participation in the Smarter Balanced Assessment Consortium; P-16 Councils; early childhood education programs; the status of a statewide performance evaluation system for teachers and administrators; parental involvement in education; professional development needs of teachers and administrators; educational technology programs; charter schools; and issues relating to the Nevada System of Higher Education (NSHE), including the Millennium Scholarship Program.

Based upon the actions of the 2011 Legislature in approving Senate Bill 211 (Chapter 428, *Statutes of Nevada*), the Committee was charged with conducting a study concerning the implementation of the Common Core State Standards (CCSS) in Nevada’s public schools. While conducting the study, the Committee received testimony from a representative of the National Conference of State Legislatures (NCSL) concerning other states’ progress in implementing the CCSS. Representatives of Nevada’s Department of Education (NDE) presented testimony on the status of the transition to using the CCSS in Nevada’s schools, and representatives of the Nevada Association of School Superintendents (NASS) provided testimony concerning the needs of the school districts in making the transition.

Finally, the Committee approved work plans and budgets for two entities created by the NERA: (1) the Council to Establish Academic Standards for Public Schools; and (2) the Commission on Educational Technology. In approving the budgets, members also approved a letter be sent to the Office of the Governor asking that future funding requests for the two entities follow the normal budgeting process through NDE’s budget accounts instead of the Committee’s budget.

At its work session on August 16, 2012, the Committee approved 21 proposals for drafting legislation and another 11 proposals for sending letters or including statements in the final report.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON EDUCATION

Nevada Revised Statutes 218E.605

The following is a summary of recommendations adopted by the Legislative Committee on Education (LCE) at the August 16, 2012, meeting. The following bill draft requests (BDRs) will be submitted to the 77th Nevada Legislature.

PROPOSALS RELATING TO FEDERAL EDUCATION PROGRAMS

1. Amend the statutes to remove the accountability provisions contained in Chapter 385, “State Administrative Organization,” of the *Nevada Revised Statutes* (NRS) and require Nevada’s Department of Education (NDE) to establish a single statewide system of accountability for all public schools and school districts, regardless of Title I status, which is consistent with the requirements of the federal Elementary and Secondary Education Act (ESEA) Waiver for the duration of the Waiver. After the Waiver has expired, the single statewide system of accountability must comply with the applicable requirements of federal law. **(BDR 34–195)**
2. Include a transitory provision requiring the Superintendent of Public Instruction to monitor the impact of the elimination of the mandate to offer supplemental services and school choice to parents as approved through Nevada’s ESEA Waiver and report back to the LCE during the 2013–2014 Interim. **(BDR 34–195)**

PROPOSALS RELATING TO NEVADA’S SYSTEM OF EXAMINATIONS

3. Amend the statutes to reflect that the assessment system in Nevada is now unified as a standards-based system. The merge incorporates all examinations, without exception, including the State’s writing examination. **(BDR 34–196)**
4. Send a letter from the LCE to the Office of the Governor and the Superintendent of Public Instruction requesting NDE to hold an “Assessment Summit.” All key stakeholders in education shall be invited to the Summit, including, at a minimum, the Chair and Vice Chair of the LCE. A report of findings from the Summit shall be submitted on or before February 1, 2013, to the LCE and the Director of the Legislative Counsel Bureau (LCB) for distribution to the Chairs of the legislative standing policy committees on education and the money committees of the 77th Session of the Nevada Legislature.

The topics to be discussed in the Summit should include, at a minimum:

- The effectiveness of the continued use of Nevada's High School Proficiency Examination (HSPE) versus the potential effectiveness of replacing the HSPE with end of course examinations.
- The continued efficiency and effectiveness of the alternative HSPE assessments for the writing and science portions of the HSPE, pursuant to NRS 389.015 and NRS 389.805.
- The statewide administration of academic plan and advising instruments in middle school and for college entrance examinations in high school.
- Opportunities to assess students in a more organic fashion where student knowledge and capabilities are built into the educator's lesson plan, not in a formal assessment, which would include, at a minimum, a learning portfolio.

PROPOSALS RELATED TO EDUCATIONAL-RELATED REPORTS

5. Amend the statutes to remove the requirement for certain education-related programs and reports found to be outdated or duplicative, as identified below:
 - Repeal NRS 386.700 through NRS 386.780, related to the State's Empowerment Schools Program.
 - Repeal the requirement pursuant to NRS 392.129 relating to an annual report of the disposition of incidences involving the truancy of pupils.
 - Repeal the requirement pursuant to NRS 385.3789(2) relating to an annual report by the Commission on Educational Excellence of the progress of the schools that received an allocation of money from the Account for improving the achievement of pupils.
 - Repeal the State-level summary report of accountability required pursuant to NRS 385.34692.
 - Repeal subsections 3, 4, and 5 of NRS 392.4644 relating to reports of school level plans for the progressive discipline of pupils.
 - Repeal subsection 4 of NRS 389.017 and NRS 389.560 requiring the school districts to report annually to NDE the description, purpose, and costs associated with examinations administered in the school district.

- Repeal subsections 2 and 3 of NRS 386.600 requiring the Superintendent of Public Instruction to compile the reports made by each governing body of a charter school in Nevada concerning the financial status of each charter school and its progress in achieving the mission and goals of the charter school.
 - Repeal NRS 389.012, which requires the State Board of Education to review, analyze, and compare the performance of Nevada’s pupils on the National Assessment of Educational Progress (NAEP), the State’s Criterion Referenced Tests (CRTs), and the HSPE.
 - Repeal NRS 389.570, which requires the Council to Establish Academic Standards in Public Schools to review the results of the CRTs to determine if improvement in performance was made by students. The review is also required to determine if the academic standards are of a similar difficulty level as required by other non-standards-based examinations. **(BDR 34–196)**
6. Send a letter from the LCE to Dr. Keith Rheault, former Superintendent of Public Instruction, relaying the action of the LCE in regard to the proposals concerning education reports.

PROPOSALS RELATING TO NEVADA’S SYSTEM OF ACCOUNTABILITY

7. Include a transitory provision requiring staff of NDE to analyze the data contained in the Automated System of Accountability Information for Nevada (SAIN) as it relates to the reports of incidents of bullying, cyber-bullying, harassment, or intimidation to ensure reliability of the data. A report of findings from the analysis shall be presented to the LCE during the 2013–2014 Interim. **(BDR 34–196)**
8. Send a letter from the Committee to NDE and all Nevada school districts that stipulates when funding is provided for peer mediation or alternative programs for disruptive pupils; any school that receives the funding shall include the goals of the program in its school improvement plan and monitor the success of the program.

PROPOSALS RELATING TO EDUCATIONAL PERSONNEL

9. Amend the statutes to revise the budget submission process for the Regional Training Programs for the Professional Development of Teachers and Administrators (RPDPs) to mirror the recommendations specified in Sections 38 and 47 of Senate Bill 197, as introduced during the 2011 Session. The RPDPs would be required to submit proposed budgets to the State Board of Education for review and possible inclusion in the budget of NDE. Once the budgets for the RPDPs are approved through the legislative process, revisions to the budgets would follow the same process other State agencies adhere to pursuant to Chapter 353, "State Financial Administration," of NRS. **(BDR 34-197)**
10. Amend the statutes to require the RPDPs to provide professional development for persons conducting teacher/administrator evaluations. This training program must be developed in cooperation with the Teachers and Leaders Council. In addition, require the RPDPs to provide targeted professional development based on teacher/administrator evaluation results. **(BDR 34-197)**
11. Amend the statutes to require the evaluation of the RPDPs by the governing body to include the data points described below:
 - The number of teachers, if any, who received training through the program in methods to engage parents and families.
 - The number of teachers/administrators, if any, who received training through the program concerning how to conduct an evaluation.
 - The number of teachers/administrators, if any, who received targeted professional development based on evaluation results. **(BDR 34-197)**
12. Send a letter from the LCE to the governing body of each RPDP requesting they consider the need for an identified trainer with expertise in parent and family engagement. Report back to the LCE on whether such a position was hired during the 2013-2014 Interim.
13. Include a statement in the final report urging NDE and school districts to create a system that allows for an equal number of educators and administrators, trained to evaluate teachers and principals, to provide career advice, professional development, and mentorship for new educators or those struggling in the classroom.
14. Include a statement in the final report urging school districts to work with recognized employee organizations to include the requirements specified under NRS 391.160 on the career ladder. Such a review should examine whether enhanced compensation must be in addition to the single salary schedule and designed through collective bargaining.

PROPOSALS RELATING TO THE P-16 ADVISORY COUNCIL

15. Amend the statutes to require the Governor to appoint a representative of early childhood in this State as one of the five voting members appointed to the P-16 Advisory Council. In addition, expand the list of representatives the Majority Leader of the Senate and the Speaker of the Assembly may choose from to include a representative of early childhood in this State on the P-16 Advisory Council. **(BDR 34-198)**
16. Amend the statutes to require the P-16 Advisory Council to address the extent to which beginning teachers know and are able to teach the Common Core State Standards. **(BDR 34-198)**

PROPOSALS RELATING TO EARLY CHILDHOOD EDUCATION

17. Amend the statutes to require the Director of Nevada's Department of Health and Human Services (DHHS) to establish the Early Childhood Advisory Council within the Department. The membership of the Council, at a minimum, shall include a representative of NDE and two representatives of nonprofit entities, one representing the northern portion of the State and one representing the southern portion of the State. The representatives of nonprofit entities and all other members shall be appointed by the Director as determined appropriate.

The Council may accept gifts and grants to assist in meeting its duties. The Council shall, at a minimum, have the duties described below:

- A. Work to strengthen state-level coordination and collaboration among the various sectors and settings of early childhood programs in this State. In so doing, the Council shall work closely with NDE and the State Board of Education in carrying out its duties.
- B. Conduct periodic statewide assessments of needs relating to the quality and availability of programs and services for children who are in early childhood and identify opportunities for and barriers to coordination and collaboration among existing federally-funded and State-funded early childhood programs.
- C. Develop recommendations for:
 - (1) Increasing the overall participation of children in existing federal, State, and local programs for child care and early childhood education, including, without limitation, providing information on such programs to underrepresented and special populations;
 - (2) Increasing family engagement in child care and early childhood education;

- (3) The establishment or improvement of core elements of the early childhood system in this State, including, without limitation, a statewide unified system for collecting data relating to early childhood programs;
 - (4) A statewide professional development system for teachers engaged in early childhood education;
 - (5) The establishment of statewide standards for early childhood education in this State; and
 - (6) The establishment of a statewide definition of school readiness, which, at a minimum, must be based upon national school readiness indicators, as available. In addition, the definition must, at a minimum, reference the following five domains:
 - Physical Development and Health;
 - Social and Emotional Development;
 - Approaches to Learning;
 - Language and Early Literacy Development; and
 - Cognition and General Knowledge.
- D. Assess the capacity and effectiveness of institutions of higher education in this State in developing teachers in the field of early childhood education.
- E. Report progress made by the Council to the LCE during the 2013–2014 Interim and the Director of the LCB for distribution to the Chairs of the legislative standing policy committees on education of the 78th Session of the Nevada Legislature.
- F. Perform such other duties relating to early childhood education and programs as designated by the Director. **(BDR 38–199)**

PROPOSALS RELATING TO EDUCATIONAL TECHNOLOGY

18. Amend the statutes to require submission of the results of the needs assessment of educational technology to the LCE and the Director of the LCB on or before May 1 instead of June 1 in even-numbered years. In addition, add the Office of the Governor and the Department of Administration's Budget Division to the entities that receive the results of the needs assessment.

Add a transitory section that would require the 2014 needs assessment of educational technology to include an assessment of the extent to which all school districts in Nevada have broadband access for teaching, learning, and school operations. This would include having: (a) an external Internet connection to the Internet service provider (ISP); and (b) internal wide area network (WAN) connections from the district to each school and among schools within the district. **(BDR 34–196)**

PROPOSALS RELATING TO CHARTER SCHOOLS

19. Amend the statutes to provide for the execution of performance-based charter school contracts. In so doing, require the sponsor of a charter school to develop performance frameworks to objectively measure charter school performance in operation compliance, fiscal health, and academic outcomes. Finally, define the process for renewal, nonrenewal, and revocation of charter school performance-based contracts. **(BDR 34-200)**
20. Amend the statutes to extend enrollment preferences to all charter schools, instead of only those that are dedicated to providing educational programs and opportunities to pupils who are at risk. In so doing, expand the authority of a charter school to enroll certain children first, as identified below:
 - A child of a person employed by the charter school, regardless of full-time or part-time status (currently the NRS requires full-time status);
 - A child of a member of the committee to form the charter school; and
 - A child of a member of the school's governing body. **(BDR 34-200)**
21. Send a letter to the staff of the LCE and the Director of the State Public Charter School Authority (SPCSA) asking that options for facility funding of charter schools be considered and submitted on or before February 1, 2013, to the LCE and the Director of the LCB for distribution to the Chairs of the legislative standing policy committees on education and the money committees of the 77th Session of the Nevada Legislature.

PROPOSALS RELATING TO THE NEVADA SYSTEM OF HIGHER EDUCATION

22. Adopt a Joint Resolution that would amend the *Nevada Constitution* to provide for a voting student member of the Board of Regents of the University of Nevada. The Board of Regents shall select the student member from a list of names submitted by each Nevada System of Higher Education (NSHE) institution. Each institution of the NSHE may submit up to three names, as decided by each institution. **(BDR C-201)**

PROPOSALS RELATING TO FUNDING OF EDUCATION

23. Include a statement in the final report supporting the creation of an Education “Rainy Day Fund.”
24. Amend the statutes as reflected by the provisions of Assembly Bill 241 from the 2011 Legislative Session to establish the K–12 Public Education Stabilization Account. Funding that reverts back to the State Distributive School Account (DSA) at the end of odd-numbered years would 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. The request would be made of the Legislature when in session or of the Interim Finance Committee during the interim period between sessions. **(BDR 31–202)**

PROPOSALS RELATING TO MISCELLANEOUS MATTERS IN EDUCATION

25. Include a statement in the final report recognizing that fine arts programs may be associated with academic gains in the core subject areas, including mathematics and English Language Arts. In addition, these programs are also often linked to improvement in student motivation, concentration, confidence, and teamwork. Based upon these research findings, encourage school districts to consider these findings when reviewing education programs to continue in these difficult economic times. When implementing fine arts programs, particularly in elementary schools, school districts are also encouraged to utilize teachers who are licensed to teach in the areas of fine arts.
26. Amend the statutes to authorize a teacher’s aide to monitor student technical laboratories instead of the requirement for a licensed teacher. **(BDR 34–197)**
27. Amend the statutes by repealing NRS 393.092, NRS 393.095, NRS 393.096, and NRS 393.097, relating to school construction. The requirement for an oversight panel for school facilities in school districts whose population is 100,000 or more would be removed. In addition, all school districts, regardless of size, would no longer be required to submit an annual report containing written recommendations for financing the costs of new construction, design, maintenance, and repair of school facilities. **(BDR 34–203)**
28. Amend the statutes to authorize attendance officers to write habitual truancy citations in addition to police officers. **(BDR 34–197)**
29. Include a statement in the final report noting the Committee’s continued support of the work of Communities in Schools (CIS).
30. Include a statement in the final report noting the Committee’s continued support of the work of Save the Children.

31. Amend the statutes to authorize the board of trustees of a school district to donate surplus personal property to another school district within the State of Nevada. Currently, NRS 332.185 limits the authority of a school district to donate surplus personal property to a charter school located within the school district. **(BDR 34-203)**

32. Amend the statutes to require the health academic standards to include components related to instruction of cardiopulmonary resuscitation (CPR) at grades 7 through 12. The standards shall include the elements of an instruction program established by the American Heart Association or the American Red Cross or another program, which is nationally recognized. In addition, the standards shall reflect the most current national evidence-based Emergency Cardiovascular Care guidelines and incorporate psychomotor skills development into the standards-based instruction. Finally, the standards shall include the use of an automated external defibrillator. **(BDR 34-204)**

BULLETIN NO. 13-15

LEGISLATIVE COMMITTEE ON CHILD WELFARE AND JUVENILE JUSTICE

Nevada Revised Statutes 218E.705

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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, each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. The office of Chair of the Committee must alternate each biennium between the Houses. If a vacancy occurs in the office 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 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, 2545](#); A [2011, 3233](#))

ABSTRACT

LEGISLATIVE COMMITTEE ON CHILD WELFARE AND JUVENILE JUSTICE

Nevada Revised Statutes 218E.705

In 2009, the Nevada Legislature adopted Senate Bill 3 (Chapter 452, *Statutes of Nevada*), which established the Legislative Committee on Child Welfare and Juvenile Justice (Committee). During the course of the 2011-2012 Biennium, the Committee held four meetings, including a work session. All four meetings were held in Las Vegas. These public hearings were conducted through simultaneous videoconferencing between meeting rooms at the Legislative Building in Carson City and the Grant Sawyer State Office Building in Las Vegas. The summaries of testimony and exhibits are available online at: <http://leg.state.nv.us/Interim/76th2011/Committee/StatCom/ChildWelfare/?ID=10>.

During the course of the study, the Committee was provided with formal presentations and expert and public testimony on a broad range of topics involving child welfare and juvenile justice. Issues included the revision of laws related to the protection of children; improvements to Nevada's child support collection practices; crossover populations in the child welfare and juvenile justice systems; reforms being considered by the Nevada Supreme Court's Commission on Statewide Juvenile Justice Reform; protection of juvenile victims of domestic sex trafficking; youth gangs; bullying, cyber-bullying, harassment, intimidation and the possession, transmission, and distribution of sexual images by juveniles; Nevada's differential response program for responding to allegations of child abuse and neglect; children's mental health care; sentencing and incarceration of juvenile offenders; and disproportionate contact with and disparate outcomes for minority populations involved in the child welfare and juvenile justice systems.

During the final meeting and work session, the Committee adopted several recommendations as bill drafts for consideration during the 2013 Session of the Nevada Legislature. These recommendations for legislation include bill drafts concerning: child care facility background checks; domestic sex trafficking of minors, child prostitution, and prosecution of persons accused of pandering and soliciting children; incarceration and prosecution of juveniles; and laws governing the protection of children.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON CHILD WELFARE AND JUVENILE JUSTICE

Nevada Revised Statutes 218E.705

This summary presents the recommendations adopted by the Legislative Committee on Child Welfare and Juvenile Justice at its May 9, 2012, meeting. The Committee submits the following recommendations and bill draft requests (BDRs) to the 77th Session of the Nevada Legislature:

RECOMMENDATIONS FOR LEGISLATION

Child Care Facility Background Checks

1. Draft legislation to require child care facilities to notify the Health Division, Department of Health and Human Services, when a child care facility hires a new employee, has a new resident who is over the age of 18 years, or has a new participant in an outdoor youth program who is over the age of 18 years to ensure background checks are completed on all employees, residents, and outdoor youth program participants within the current statutory time frame outlined in *Nevada Revised Statutes* (NRS) 432A.170. **(BDR 38–61)**

Domestic Sex Trafficking of Minors, Child Prostitution, and the Prosecution of Persons Accused of Pandering and Soliciting Children

2. Draft legislation to provide a definition of “sexually exploited child” in Chapter 62A (“General Provisions” related to juvenile justice) of NRS. A sexually exploited child would be defined as a child under the age of 18 years who is engaged or attempting to engage in prostitution.

Additionally, the legislation would:

- a. Amend statutes relating to a child in need of supervision (NRS 62B.320) to include a sexually exploited child;
- b. Amend statutes relating to the release of a child alleged to be in need of supervision (NRS 62C.050) to include an exception for a sexually exploited child; and
- c. Amend statutes relating to the initial admonition and referral of a child in need of supervision (NRS 62E.410) to include an exception for a sexually exploited child so that such a child is not subject to the initial admonition of the court. **(BDR 5–62)**

3. Draft legislation to establish the crime of sex trafficking of a minor similar to statutes involving involuntary servitude, but without any requirement of proof of forced labor or services. The new crime must identify children who are commercially sexually exploited as sex trafficking victims.

Additionally, the legislation would:

- a. Revise the definition of “victim” for purposes of determining eligibility for aid to certain victims of crime (NRS 217.070) to make victims of sex trafficking of a minor eligible for such aid;
- b. Include victims of sex trafficking of a minor in existing rape shield provisions (NRS 50.090); and
- c. Provide the same statute of limitation for victims of sex trafficking of a minor, as is provided for victims of sexual assault or sexual abuse, and to provide for the same removal of the statute of limitation or extension as provided for those crimes pursuant to NRS 171.083 and 171.095. **(BDR 4–63)**

Incarceration and Prosecution of Juveniles

4. Draft legislation to amend statutes relating to conditions and limitations on detaining a child in certain facilities (NRS 62C.030) to allow juveniles who are transferred to adult court for criminal proceedings to petition the court for temporary placement in a juvenile detention facility pending the outcome of the proceedings. **(BDR 5–64)**
5. Draft legislation to require any child under the age of 18 years who is sentenced as an adult to a term of imprisonment for committing a crime to serve the term in a juvenile detention facility until the child reaches the age of 18 years, unless dangerous to another juvenile. **(BDR 5–64)**
6. Draft legislation to amend statutes relating to direct filing of charges against a juvenile for criminal proceedings as an adult (NRS 62B.330) so that direct filing may only occur if the child is at least 16 years of age and the crime charged is murder, attempted murder, sexual assault, or attempted sexual assault. **(BDR 5–64)**
7. Draft legislation to make certain juvenile offenders who are sentenced to terms of imprisonment as an adult eligible for parole after a certain number of years. Proposed language is as follows:

Parole Eligibility for Youthful Offenders

1. A prisoner who was sentenced to a cumulative term of imprisonment of 10 or more years for one or more non-homicide offenses committed while he or she was less than 18 years of age at the time that

the prisoner committed the offense(s) for which the prisoner was imprisoned, upon reaching 25 years of age, may be immediately eligible for parole under this section, if:

(a) The prisoner has completed a program of general education or an industrial or vocational training program, unless this requirement has been waived because of the juvenile offender's disability as shown by the juvenile offender's previous individual education plan, 504 accommodation plan under section 504 of the federal Rehabilitation Act of 1973, or by a psychological evaluation;

(b) The prisoner has not been identified as a member of a group that poses a security threat pursuant to the procedures for identifying security threats established by the Department of Corrections; and

(c) The prisoner has not, within the immediately preceding 24 months:

(1) Committed a major violation of the regulations of the Department of Corrections; or

(2) Been housed in disciplinary segregation.

2. The Board shall prescribe any conditions necessary for the orderly conduct of the parolee upon his or her release.

3. Each parolee so released must be supervised closely by the Division, in accordance with the plan for supervision developed by the Chief pursuant to NRS 213.122.

4. If the Board finds, at least 2 months before a prisoner would otherwise be paroled pursuant to subsection 1 that there is a reasonable probability that the prisoner will be a danger to public safety while on parole, the Board may require the prisoner to serve the balance of his or her sentence and not grant the parole provided for in subsection 1. If, pursuant to this subsection, the Board does not grant the parole provided for in subsection 1, the Board shall provide to the prisoner a written statement of its reasons for denying parole.

5. If the prisoner is the subject of a lawful request from another law enforcement agency that the prisoner be held or detained for release to that agency, the prisoner must not be released on parole, but released to that agency.

6. If the Division has not completed its establishment of a program for the prisoner's activities during his or her parole pursuant to this section, the prisoner must be released on parole as soon as practicable after the prisoner's program is established. **(BDR 5-64)**

Protection of Children

8. Draft legislation to require child welfare agencies to establish procedures to protect children and youth in the child welfare system from identity theft. **(BDR 38-65)**

9. Draft legislation to streamline and clarify the process and authority to substantiate abuse and neglect allegations. **(BDR 38–66)**
10. Draft legislation to amend statutes relating to action taken by an agency upon receipt of report of possible abuse or neglect (NRS 432B.260) to allow referrals for differential response when the child is under the age of 5 years. **(BDR 38–73)**
11. Draft legislation to amend statutes relating to the placement of a child in protective custody (NRS 432B.390) to require one of the following parties to obtain a warrant prior to placement: (a) an agent or an officer of a law enforcement agency; (b) an officer of the local juvenile probation department or the local department of juvenile services; or (c) a designee of an agency that provides child welfare services. **(BDR 38–73)**
12. Draft legislation to require that all child welfare advisory groups or committees, formed pursuant to law, include a representative of natural parents of children in the child welfare system unless prohibited or limited. **(BDR 38–67)**
13. Draft legislation to require that all agency improvement plans be made available to the public and posted on the Internet (NRS 432B.216). **(BDR 38–67)**
14. Draft legislation to revise statutes relating to child death review teams to consolidate the two State-level teams (NRS 432B.408 and 432B.409) into one State-level team and to specifically allow for the use of de-identified, aggregate data for purposes of research or prevention (NRS 432B.407 and 432B.4095). **(BDR 38–67)**
15. Draft legislation to define “reasonable efforts” in Chapter 432B (“Protection of Children From Abuse and Neglect”) of NRS. **(BDR 38–68)**
16. Draft legislation to amend statutes relating to the preservation and reunification of a family and child (NRS 432B.393) to require a court to make case-specific judicial determinations regarding reasonable efforts. **(BDR 38–68)**
17. Draft legislation to amend statutes relating to the preservation and reunification of a family and child (subsection 3 of NRS 432B.393) to more closely align with the federal statutes, which allow for a waiver of reasonable efforts in certain circumstances and clearly state that the courts determine whether the child welfare agencies are required to make reasonable efforts to preserve and reunify a family and child. **(BDR 38–68)**
18. Draft legislation to amend statutes relating to the execution and contents of a petition alleging that a child is in need of protection (subsection 4(b) of NRS 432B.510) to provide that the residence of a child refers to the address where the child resided before being taken into protective custody. **(BDR 38–69)**

19. Draft legislation to amend statutes relating to the adjudicatory hearing on a petition alleging that a child is in need of protection (NRS 432B.530) to increase the time allowed for the hearing from 30 days to 60 days. **(BDR 38-69)**
20. Draft legislation to amend statutes relating to the annual and semiannual review by a court of placement of a child (NRS 432B.580 and 432B.590) to revise language which requires that foster parents, preadoptive parents, and biological parents have the right to be heard in court proceedings, to match language included in federal law. **(BDR 38-69)**
21. Draft legislation to amend statutes relating to the annual hearing on the disposition of a case of a child in need of protection (NRS 432B.590) to require the court to make determinations regarding out-of-state placement and transition services. **(BDR 38-69)**

COMMITTEE ACTIONS

In addition, the Committee directed its staff to:

22. Draft a letter to Nevada Governor Brian Sandoval urging the approval of recommendations contained in the *Nevada Operations of Multi-Automated Data Systems (NOMADS) Child Support Enforcement Application Assessment Project NOMADS CSE System Maintenance Plan & Modernization Roadmap*, dated October 6, 2011, as prepared by Policy Studies Inc.

NOTE: During the work session on this item, the Committee voted to draft legislation to implement the recommendations contained in the report. Subsequent to the meeting, additional information was received from the Department of Health and Human Services indicating the agency planned to move forward with the recommendations in its upcoming budget. Under the advice of counsel, the Chair directed staff to write a letter in support of this recommendation, rather than request a bill on the Committee's behalf.

23. Draft a letter to the Chairs of the Senate and Assembly Committees on Judiciary urging the further study of the indiscriminate use of physical restraints on juveniles during court proceedings.
24. Draft a letter to Nevada Attorney General Catherine Cortez Masto urging the examination and utilization of the policy recommendations contained in the Protected Innocence Initiative's Analysis and Recommendations for Nevada, as prepared by Shared Hope International, in any potential legislation requested by that Office to address sex trafficking of minors.
25. Draft a letter to the Chairs of the appropriate Senate and Assembly Standing Committees and include a statement in the Committee's final report urging further examination of the following recommendations:

- a. Create a remediation plan, with concern for causes of disproportionality, to include: (1) legislative oversight; (2) policy recommendations; and (3) evidence-based practices, to be utilized by police departments, school officials, service providers, and others interacting with affected populations;
- b. Create a pilot program to ensure adequate case management for youth with severe emotional disturbances involved with out-of-community placements;
- c. Adopt Positive Behavioral Interventions and Supports, as a part of standards addressing the behavioral health care needs of children, and develop data systems to track school climate programs and discipline;
- d. Require the tracking of point-of-entry statistics for youth interacting with the juvenile justice system, including status offenses;
- e. Consider recommendations that will ensure that instances of expulsion relating to “immoral conduct” and bullying are not illegally infringing on the First Amendment rights of students; and
- f. Create a more comprehensive approach to addressing issues relating to school discipline by identifying school-based trends as an inappropriate introduction into the juvenile justice system, and create policies that will prevent students from improper introduction into the juvenile justice system through the school-to-prison pipeline.

BULLETIN NO. 13-16

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

Nevada Revised Statutes 218E.750

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Senator Joseph (Joe) P. Hardy, M.D.
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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, each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. The office of Chair of the Committee must alternate each biennium between the Houses. If a vacancy occurs in the office 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 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](#); A [2011, 3235](#))

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 Committee's membership, powers, and duties are codified in *Nevada Revised Statutes* (NRS) 218E.750 and 218E.760.

During the 2011-2012 Interim, the Committee met four times (January 11, March 21, May 15, and June 20, 2012) in Las Vegas at the Grant Sawyer State Office Building. All meetings were videoconferenced to the Legislative Building in Carson City.

The Committee heard presentations relating to services available to seniors and adults with disabilities including Medicaid Waivers, Independent Living Grants, the Senior Ride program, Elder Protective Services, and Aging and Disability Resource Centers. In addition, an overview of the Nevada Silver Haired Legislative Forum and Nevada Commission on Aging was provided. Testimony also provided a historical account of why members of the clergy and attorneys were removed from the list of mandatory reporters of elder abuse. In addition, the Committee was apprised of a new grant awarded for a criminal background check database and potential changes to NRS related to the Health Division, Department of Health and Human Services.

In regards to veterans' issues, Committee members heard presentations on the Homeless Stand Down Program, the Nevada Veterans' Services Commission, the new Veterans Administration Medical Center in southern Nevada, transportation services offered by the Regional Transportation Commission of Southern Nevada, a new electronic system for filing exemptions, suicide rates of Nevada's veterans, and issues for Filipino World War II veterans.

At the fourth and final meeting, the Committee held a work session, which members considered 11 recommendations. The members voted to forward six bill draft requests (BDRs) to the 77th Session of the Nevada Legislature, send two letters of support to various entities, and include three encouraging statements in the Committee's final report. The BDRs relate to the following topics:

- Home and Community-Based Services;
- Facilities for Long-Term Care;
- Elder Abuse, Neglect, Exploitation, or Isolation;
- Instruction Permits, Driver's Licenses, and Identification Cards for Veterans; and
- Specialty Court Programs for Veterans.

SUMMARY OF RECOMMENDATIONS

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

Nevada Revised Statutes 218E.750

This summary presents recommendations approved by the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs at its final work session meeting on June 20, 2012. These recommendations will be submitted to the 77th Legislative Session for its consideration in 2013.

RECOMMENDATIONS FOR LEGISLATION

1. Amend the statutes to make various changes relating to Home and Community-Based Services. **(BDR -116)**
2. Amend the statutes to require a facility for skilled nursing to conduct an annual assessment of each patient in the facility who receives Medicaid benefits to determine if the patient qualifies for a lower level of care or Home and Community-Based Services. **(BDR 40-117)**
3. Amend the statutes (such as NRS 449.123) to make the following changes concerning criminal background investigations of independent contractors and certain employees of facilities for long-term care. **(BDR 40-118)**
 - a. Create an exception to the requirement that facilities for long-term care conduct criminal background investigations of independent contractors and temporary employees. A facility would not need to conduct a criminal background investigation of any independent contractor or temporary employee who is placed in the facility by an employment agency that has completed a criminal background investigation on the independent contractor or temporary employee. A criminal background investigation conducted by an employment agency would be valid for as long as the independent contractor or temporary employee maintains continuous employment with the employment agency.
 - b. Create an exception to the requirement that facilities for long-term care conduct a criminal background investigation on an employee who possesses a professional license if the professional or occupational board or commission conducted a criminal background investigation as a requirement for licensure.
4. Amend the statutes (such as NRS 200.5093) to reinstate members of the clergy and attorneys as mandatory reporters of abuse of those over age 60. **(BDR 15-123)**

5. Amend the statutes (such as Chapter 483 of NRS) providing that if a person applying to the Department of Motor Vehicles (DMV) for an instruction permit, driver's license, or identification card declares that he or she is a veteran of the Armed Forces of the United States, the person may request that his or her veteran's status be placed on the instruction permit, driver's license, or identification card. Any such person would be required to provide evidence satisfactory to the DMV that he or she has been honorably discharged from the Armed Forces of the United States. **(BDR 43-145)**
6. Amend the statutes (such as NRS 176A.280) to require every district court located in a county whose population is 700,000 or more to establish a specialty court program for veterans. **(BDR 14-124)**

RECOMMENDATIONS FOR COMMITTEE LETTERS

7. Send a letter to the members of the Senate Committee on Finance and the Assembly Committee on Ways and Means of the 2013 Legislature requesting that the Committees consider increasing the level of funding budgeted from the State General Fund for Home and Community-Based Services for seniors, veterans, and adults with special needs.
8. Send a letter urging the Eighth Judicial District Court (Clark County) to establish a specialty court program for veterans.

RECOMMENDATIONS FOR STATEMENTS IN THE FINAL REPORT

9. Include a statement in the final report that Nevada should develop a philosophy that consumer choice and quality of life should drive the long-term support services system; and expand Medicaid funding for Home and Community-Based Services rather than nursing home care.
10. Include a statement in the final report encouraging the Regional Transportation Commission of Southern Nevada to establish paratransit and fixed-route service to the new Veterans Administration Medical Center in southern Nevada.
11. Include a statement in the final report encouraging courts to apply for any available federal funding and grants for the purpose of establishing or expanding, as applicable, specialty court programs for veterans.

BULLETIN NO. 13-17

SUNSET SUBCOMMITTEE OF THE LEGISLATIVE COMMISSION

Nevada Revised Statutes 232B.210

Members

Assemblywoman Irene Bustamante Adams, Chair
Senator Ruben J. Kihuen
Senator John J. Lee
Senator James A. Settlemeyer
Assemblywoman Maggie Carlton
Assemblyman Richard McArthur
Barbara Smith Campbell
David Goldwater
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Nevada Revised Statutes

NRS 232B.210 Creation; membership; election of Chair and Vice Chair; vacancies; meetings; quorum; compensation; expenses.

1. The Sunset Subcommittee of the Legislative Commission, consisting of nine members, is hereby created. The membership of the Sunset Subcommittee consists of:

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

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

(c) Three members of the general public appointed by the Chair of the Legislative Commission from among the names of nominees submitted by the Governor pursuant to subsection 2.

2. The Governor shall, at least 30 days before the beginning of the term of any member appointed pursuant to paragraph (c) of subsection 1, or within 30 days after such a position on the Sunset Subcommittee becomes vacant, submit to the Legislative Commission the names of at least three persons qualified for membership on the Sunset Subcommittee. The Chair of the Legislative Commission shall appoint a new member or fill the vacancy from the list, or request a new list. The Chair of the Legislative Commission may appoint any qualified person who is a resident of this State to a position described in paragraph (c) of subsection 1.

3. Each member of the Sunset Subcommittee serves at the pleasure of the appointing authority.

4. The members of the Sunset Subcommittee 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. If a vacancy occurs in the office 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.

5. The membership of any member of the Sunset Subcommittee who is a Legislator and who is not a candidate for reelection or who is defeated for reelection terminates on the day next after the general election.

6. A vacancy on the Sunset Subcommittee must be filled in the same manner as the original appointment.

7. The Sunset Subcommittee shall meet at the times and places specified by a call of the Chair. Five members of the Sunset Subcommittee constitute a quorum, and a quorum may exercise any power or authority conferred on the Sunset Subcommittee.

8. For each day or portion of a day during which a member of the Sunset Subcommittee who is a Legislator attends a meeting of the Sunset Subcommittee or is otherwise engaged in the business of the Sunset Subcommittee, except during a regular or special session of the Legislature, the Legislator is entitled to receive the:

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

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

(c) Travel expenses provided pursuant to [NRS 218A.655](#).

The compensation, per diem allowances and travel expenses of the members of the Sunset Subcommittee who are Legislators must be paid from the Legislative Fund.

9. While engaged in the business of the Sunset Subcommittee, the members of the Subcommittee who are not Legislators are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.
(Added to NRS by [2011, 2992](#))

ABSTRACT

SUNSET SUBCOMMITTEE OF THE LEGISLATIVE COMMISSION

Nevada Revised Statutes 232B.210

Senate Bill 251 (Chapter 480, *Statutes of Nevada 2011*) created the Sunset Subcommittee of the Legislative Commission. The Subcommittee's membership, powers, and duties are codified in *Nevada Revised Statutes 232B.210*. The primary duties of the Subcommittee are: (1) to conduct reviews of all boards and commissions in this State which are not provided for in the *Nevada Constitution* or established by an Executive Order of the Governor and determine whether each board or commission should be terminated, modified, consolidated with another agency, or continued; (2) to make recommendations for improving the boards or commissions which are to be modified, consolidated, or continued; and (3) to determine whether any tax exemptions, abatements, or money set aside for a board or commission should be terminated, modified, or continued.

The Legislative Commission appointed nine members to the Subcommittee. The Subcommittee held a total of six meetings, including four work sessions, 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. The public hearings provided an opportunity for each entity to make a presentation on its necessity and efficacy and the services it provides to the State. Further, the hearings allowed the public to comment on the presentations and raise additional issues relating to the entities.

There are approximately 170 boards, commissions, and similar entities subject to review by the Subcommittee. Based on the number of entities, the members identified 37 entities to consider during the interim. The entities were chosen based on the most recent meeting dates, contact with staff, and possible duplicative services with other entities. The Subcommittee reviewed 29 entities; 8 entities were not considered by the Subcommittee, partly due to time constraints. The Subcommittee took action on each entity and made recommendations to either continue entities, terminate entities, or terminate entities and transfer their functions to another entity.

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

SUMMARY OF RECOMMENDATIONS

SUNSET SUBCOMMITTEE OF THE LEGISLATIVE COMMISSION

Nevada Revised Statutes 232B.210

This summary presents the recommendations approved by the Sunset Subcommittee of the Legislative Commission at its final work session meeting held on June 25, 2012. The recommendations will be submitted to the Legislative Commission for its consideration and possible inclusion in a bill draft request to be forwarded to the 2013 Legislature.

Entities Continued

Advisory Council on Mortgage Investments and Mortgage Lending
Advisory Council on the State Program for Fitness and Wellness
Alfalfa Seed Advisory Board
Board for the Regulation of Liquefied Petroleum Gas
Board of Athletic Trainers
Board of the Public Employees' Benefits Program
Central Committee of Nevada State Grazing Boards
Commission on Postsecondary Education
Committee on Health Benefit Plans
Gaming Policy Committee
Garlic and Onion Growers' Advisory Board
Nevada Athletic Commission
Nevada State Board of Veterinary Medical Examiners
Nevada State Board on Geographic Names
Pharmacy and Therapeutics Committee
Police and Firefighters' Retirement Fund Advisory Committee
State Barbers' Health and Sanitation Board
State Board of Agriculture
State Board of Cosmetology

Entities Continued With Further Recommendations

Board of Wildlife Commissioners
Commission on Ethics
Committee on Anatomical Dissection
Credit Union Advisory Council
State Board of Oriental Medicine
State Grazing Boards
Well Drillers' Advisory Board

Entities Terminated

Committee on Co-Occurring Disorders
Nevada Commission on Sports

Entities Terminated With Functions Transferred

Nevada State Funeral Board

LEGISLATIVE COMMITTEE ON HEALTH CARE

Nevada Revised Statutes 439B.200

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Senator Valerie Wiener, Vice Chair
Senator Shirley A. Breeden
Senator Joseph (Joe) P. Hardy, M.D.
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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 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 findings 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.

The LCHC held a total of eight meetings, including a work session. All public hearings were conducted through simultaneous videoconferencing 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://www.leg.state.nv.us/Interim/76th2011/Committee/StatCom/HealthCare/?ID=11>.

A variety of issues were addressed at the meetings of the LCHC. A report of the Committee's activities during the 2011-2012 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. Children's mental health services in Nevada;
- b. Nevada's Cancer Drug Donation Program;
- c. Prescription drug abuse and the prescription drug monitoring program in Nevada;
- d. Chapter 450B, "Emergency Medical Services," of the NRS;
- e. Unlicensed health care in Nevada;
- f. Children in the care of certain governmental entities;
- g. The use of epinephrine auto-injectors at schools in Nevada; and
- h. Patient-centered medical homes.

At the eighth meeting, the members conducted a work session at which they adopted twelve recommendations to be included in nine bill draft requests (BDRs). The BDRs concern: (1) the Cancer Drug Donation Program; (2) emergency medical services personnel classifications; (3) health care professional licensing boards' authority to address unlicensed practice; (4) health care professional licensing boards' authority to combine resources and collaborate to address unlicensed practice; (5) criminal penalties for performing certain health care procedures without a license; (6) reporting requirements and revisions related to certain child welfare services and persons legally responsible; (7) guidelines for placement of certain children with fictive kin; (8) use of epinephrine auto-injectors in emergencies in public or private schools or institutions of higher education; and (9) developing a patient-centered medical home model of care. Lastly, members authorized the Chair to send seven 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 August 29, 2012, meeting. The LCHC submits the following recommendations and bill draft requests (BDRs) to the 77th Session of the Nevada Legislature:

CHILDREN'S MENTAL HEALTH SERVICES IN NEVADA

1. Send a letter to Nevada's Congressional Delegation regarding access to care for certain children who have access to care through a variety of governmental entities such as Medicaid, child welfare, and juvenile justice. The letter will:
 - a. Inform the Delegation of the Institution for Mental Diseases (IMD) exclusion that disallows group homes of 16 beds or more from being reimbursed through Medicaid and the impact of this federal regulatory hindrance on Nevada. Specifically, this prohibition is not allowing medically necessary behavioral health services to be reimbursed in a delivery model that is in the least restrictive, most normative setting for the child. The goal of the Division of Health Care Financing and Policy, Department of Health and Human Services (DHHS), is to develop funding models that are innovative and within the community setting.
 - b. Request that the Delegation advocate for the IMD exclusion regulation to be reconsidered by the Centers for Medicare and Medicaid Services (CMS) by considering the severity of the mental disease rather than the existence of a mental disease in combination with the bed count (i.e., 16 beds or more). This will place more emphasis on the acuity of the child instead of the facility.

Because of these prohibitions in current federal regulation, these facilities have been mistaken for the more traditional higher level of care psychiatric hospitals and psychiatric residential treatment facilities.

2. Send a letter to the Director of the DHHS and the Executive Director of the Silver State Health Insurance Exchange. The letter will:
 - a. Encourage the development of a mechanism for Children's Mental Health Consortia (NRS 433B.333) to provide input into State implementation of the federal health reform initiative to ensure that targeted case management and service

delivery for children with serious emotional disturbance is provided with a family-driven, individualized, wraparound approach.

- b. Request that the appropriate Director consider the viability of pursuing the following proposals, which were presented by the Children's Mental Health Consortiums:
 - (1) Include the following as essential health benefits to be covered for children with serious emotional disturbance under benchmark plans for Medicaid, health insurance exchanges, and other plans: family-to-family support, mentoring, mental health consultation, mobile crisis intervention, and respite care.
 - (2) Build in reimbursement incentives for use of evidence-based practices in case management and direct services.
 - (3) Build family navigators into the essential benefits package to provide outreach and navigation to assist families of children with serious emotional disturbance in choosing the best benefits package.
 - (4) Develop a mechanism/legislation for reinvesting savings from health care reform's increased federal financial participation into community-based services.
 - (5) Submit to the CMS a Medicaid State plan amendment for review and approval to establish a 1915(i) Home and Community Based Services waiver, in an effort to increase the capacity of Medicaid mental health service providers to deliver in-home services and supports, and decrease the need for out-of-home care.

PRESCRIPTION DRUG ABUSE AND THE PRESCRIPTION DRUG MONITORING PROGRAM IN NEVADA

3. Send a letter to Nevada's Congressional Delegation related to prescription drugs. The letter will: (a) emphasize the impact of prescription drug abuse, misuse, and diversion in Nevada; and (b) encourage the development of policies that recognize the impact of prescription drug advertising, promotion, and marketing to health care professionals and direct-to-consumer on excessive or unnecessary prescription drug use.
4. Include a statement in the Committee's final report: (a) emphasizing the Committee's support for the efforts of the Substance Abuse Working Group within the Office of the Attorney General (Assembly Bill 61 [Chapter 89, *Statutes of Nevada 2011*]) and the Prescription Controlled Substance Abuse Prevention Task Force; and (b) recognizing their accomplishments related to addressing substance abuse issues and challenges in the State of Nevada.

5. Send a letter to the DHHS encouraging collaboration with the United States Drug Enforcement Administration, Nevada Statewide Coalition Partnership, and other entities as appropriate, to provide for safe and available destruction and disposal of medications; including the creation of safe disposal sites in each county in Nevada.
6. Send a letter to the DHHS encouraging collaboration with the Nevada Statewide Coalition Partnership, and other entities, as appropriate, to develop consumer education related to prescription medications. The letter will encourage the development of:
 - a. A media campaign that teaches consumers how to work with their health care professionals around prescription drugs, including how to store, keep, and use their prescriptions; and
 - b. Training information for consumers on safe handling, storage, et cetera, along with education on potential for abuse and misuse.
7. Send a letter to the Chairs of the Senate Committee on Judiciary and the Assembly Committee on Judiciary forwarding the record concerning the LCHC discussion regarding penalties for trafficking prescription medications and request that the respective committees work with law enforcement and other interested parties to address concerns and penalties related to trafficking schedule III, IV, and V controlled substances.

CANCER DRUG DONATION PROGRAM

8. Send a letter to the following medical and related groups: the Clark County Medical Society, the Washoe County Medical Society, the Nevada Nurses Association, the Nevada Osteopathic Medical Association, the Nevada State Medical Association, the Nevada Pharmacist Association, the Nevada Society of Health-System Pharmacists, the Retail Association of Nevada, and other relevant groups. The letter will: (a) emphasize the Committee's strong support for the Cancer Drug Donation Program; (b) highlight the cost of prescriptions for the treatment of cancer and the availability of unused medication; and (c) encourage the groups to educate their members about the program in an effort to make them more knowledgeable and comfortable referring individuals who may benefit.
9. Amend NRS 457.460 to allow dispensing practitioners (physicians and osteopathic physicians) to dispense donated cancer drugs through the Cancer Drug Donation Program. **(BDR 40-500)**

STANDARDIZING LANGUAGE IN CHAPTER 450B, “EMERGENCY MEDICAL SERVICES,” OF THE *NEVADA REVISED STATUTES* TO CONFORM TO THE *NATIONAL EMERGENCY MEDICAL SERVICES EDUCATION STANDARDS* RELEASED BY THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION IN 2009

10. Amend Chapter 450B of the NRS to:
- a. Remove all references to “advanced emergency medical technician” (currently defined at NRS 450B.025) in the NRS and change the term to “paramedic.”
 - b. Remove all references to “intermediate emergency medical technician” (currently defined at NRS 450B.085) in the NRS and change to “advanced emergency medical technician.” **(BDR 40–501)**

UNLICENSED HEALTH CARE IN NEVADA

11. Amend the NRS to provide consistent practices, and authority to address the unlicensed practice of health care and related issues to the following health care professional licensing boards: Board of Examiners for Audiology and Speech Pathology (NRS 637B.100); Chiropractic Physicians’ Board of Nevada (NRS 634.020); State Board of Cosmetology (NRS 644.030); Board of Dental Examiners of Nevada (NRS 631.120); Board of Hearing Aid Specialists (NRS 637A.030); Board of Examiners for Long-Term Care Administrators (NRS 654.050); Board of Homeopathic Medical Examiners (NRS 630A.100); Board of Medical Examiners (NRS 630.003); State Board of Nursing (NRS 632.020); Board of Occupational Therapy (NRS 640A.080); Board of Dispensing Opticians (NRS 637.030); Nevada State Board of Optometry (NRS 636.030); State Board of Oriental Medicine (NRS 634A.030); State Board of Osteopathic Medicine (NRS 633.181); State Board of Pharmacy (NRS 639.020); State Board of Physical Therapy Examiners (NRS 640.030); and State Board of Podiatry (NRS 635.020).
- a. Specifically:
 - (1) Make unlicensed practice a category D felony;
 - (2) Authorize each board to cite and fine any unlicensed person who performs an act that requires a license or represents themselves to be licensed;
 - (3) Authorize each board to seek an injunction from the district court prohibiting unlawful conduct;
 - (4) Authorize each board to write and enforce a cease and desist letter;

- (5) Authorize each board to enter any premises where a licensed person practices the profession or where an unlicensed person performs activities that require licensure; and
 - (6) Authorize each board to investigate based on an anonymous complaint unless the lack of identity of the complainant would make processing the complaint impossible or unfair to the subject of the complaint.
- b. Amend NRS 179.121 to include the felony for unlicensed practice, in each chapter referenced, as a crime for which all personal property used in the crime is subject to forfeiture. **(BDR 54-502)**
- 12.** Amend the chapters for each board referenced in Recommendation No. 11 to:
- a. Require each board to refer all substantiated violations to the proper entity for prosecution and to take all lawful and necessary actions to discontinue the unlawful practice; and
 - b. Allow each board to combine resources and work collaboratively with any other listed board to investigate unlicensed practice. **(BDR 54-502 and BDR 54-503)**
- 13.** Amend Chapter 200, “Crimes Against the Person,” of the NRS to:
- a. Provide that the performance of a health care procedure without a license that results in:
 - (1) Substantial bodily harm is a category C felony for the first offense and a category B felony for a subsequent offense.
 - (2) Death is a category B felony and the sentence not be suspended nor probation granted.
 - b. Provide that the performance of a surgical procedure without a license that results in:
 - (1) No substantial bodily harm is a category C felony for the first offense and a category B felony for a subsequent offense.
 - (2) Substantial bodily harm is a category B felony.
 - (3) Death is a category B felony and the sentence may not be suspended nor probation granted.

- c. Ensure that a person who is legally authorized to perform a health care procedure without a license is not subject to these offenses for performing any procedure that they are legally authorized to perform. **(BDR 15-504)**

**PROPOSALS RELATING TO CHILDREN IN THE CARE OF
CERTAIN GOVERNMENTAL ENTITIES**

14. Amend Chapter 432B, “Protection of Children From Abuse and Neglect,” of the NRS to:

a. Require each agency which provides child welfare services to:

- (1) Collect certain information concerning the actions of persons legally responsible (PLRs) for the psychiatric care of a child, including data on the number of medical evaluations attended by the PLR, the number of medications approved or denied by the PLR, and the number of second opinions requested by the PLR; and
- (2) Provide the information collected to the Division of Child and Family Services (DCFS) of the DHHS.

b. Require the DCFS to:

- (1) Submit a report annually to the LCHC containing the information gathered in Item 14a;
- (2) Adopt regulations establishing a limit on the number of children for whom a person may be nominated as a person legally responsible for psychiatric care;
- (3) Establish a standardized training curriculum that must be completed by a person before they may be nominated as a person legally responsible for the psychiatric care of a child and must be provided online; and
- (4) Ensure that children in foster care receive age-appropriate information about any psychotropic medication that they are prescribed before they begin taking the medication. The information must notify them about the risks and benefits of the medication, including any side effects of taking the medication, the potential impact of taking the medication on future employment, and any other issues related to the use of the psychotropic medication. If the child objects to the medication, the objection must be noted in the child’s record with the Division. **(BDR 38-505)**

- c. Amend Chapter 432B of the NRS to allow a child to be placed with fictive kin even if the record indicates that a previous instance of child abuse or neglect was

substantiated, if a case plan was established and subsequently completed.
(BDR 38-506)

**PROPOSALS RELATING TO THE USE OF EPINEPHRINE
AUTO-INJECTORS AT SCHOOLS IN NEVADA**

15. Amend the NRS as follows:

- a. Provide authority for each public or private school or institution of higher education to:
 - (1) Stock epinephrine auto-injectors for use in emergencies, regardless of whether the student has been previously diagnosed with an allergy;
 - (2) Accept gifts, grants, and donations to stock epinephrine auto-injectors;
 - (3) Provide food allergy training to food service workers and other school personnel and develop a comprehensive anaphylaxis action plan that enables students, teachers, and school employees to:
 - i. Understand the risk of anaphylaxis;
 - ii. Avoid their allergic triggers;
 - iii. Recognize the signs and symptoms;
 - iv. Be prepared with access to epinephrine auto-injectors (two doses); and
 - v. Know to seek emergency medical care following administration of treatment.
- b. Authorize physicians to write a prescription for an epinephrine auto-injector for an entity, such as a school, in addition to a natural person.
- c. Allow a school nurse or any other trained school employee to administer an epinephrine auto-injector to a person at the school or a school function when the nurse or trained employee believes that the person is experiencing anaphylaxis.
- d. Extend Good Samaritan protections to schools, school nurses, and trained school employees who administer or allow the administration of an epinephrine auto-injector to a person when acting in good faith in an emergency. **(BDR -513)**

PATIENT-CENTERED MEDICAL HOMES

- 16.** Draft a resolution encouraging the DHHS and the Commissioner of Insurance to work with health care providers and insurers to:
 - a. Develop a patient-centered medical home model of care; and
 - b. Adopt payment models that allow for the implementation of this model of care.
(BDR R-507)

BULLETIN NO. 13-19

COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE

Nevada Revised Statutes 459.0085

Members

Senator David R. Parks, Chair
Assemblyman Joseph (Joe) M. Hogan, Vice Chair
Senator Greg Brower
Senator John J. Lee
Senator Mike McGinness
Assemblyman Elliot T. Anderson
Assemblyman Richard (Skip) Daly
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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

The 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, “Hazardous Materials,” of the *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 2011-2012 Legislative Interim and heard presentations by Nevada’s Agency for Nuclear Projects; former Senator Richard H. Bryan, Chair, Nevada’s Commission on Nuclear Projects; Nevada’s Office of the Attorney General; affected units of local government including Clark, Lincoln, and Nye Counties; the United States Nuclear Waste Technical Review Board; and the National Conference of State Legislatures.

In addition to its mandated oversight functions, the Committee monitored the actions of the 112th 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. The Committee also gathered information on low- and mixed-low-level nuclear waste disposal and contamination remediation activities at the Nevada National Security Site (formerly the Nevada Test Site).

Further, the Committee monitored the activities of the Blue Ribbon Commission on America’s Nuclear Future, the U.S. Nuclear Waste Technical Review Board, and the Commission on Nuclear Projects.

The following developments took place during the course of the 2011-2012 Interim:

- The Blue Ribbon Commission on America's Nuclear Future submitted its final report to the U.S. Secretary of Energy on, among other related topics, how the country should dispose of high-level nuclear waste in both the near- and long-term;
- The U.S. Nuclear Regulatory Commission (NRC) discontinued its evaluation of the U.S. Department of Energy's (DOE) license application to operate a repository at Yucca Mountain (the DOE had previously requested permission to formally withdraw the application), a decision which is currently the subject of litigation; and
- The U.S. Court of Appeals for the District of Columbia Circuit held in abeyance a case seeking to force the NRC to act on the DOE's Yucca Mountain license application. New filings by the parties in the case are due to the court by December 14, 2012.

The Committee will continue to monitor the DOE's attempt to permanently withdraw its Yucca Mountain license application and the related legal challenges, progress made by the administration and Congress on implementing the recommendations made by the Blue Ribbon Commission on America's Nuclear Future, and any other pertinent activity in these or related areas.

The Committee did not make any recommendations or propose any legislation for the 2013 Session of the Nevada Legislature.

BULLETIN NO. 13-20

COMMISSION ON SPECIAL LICENSE PLATES

Nevada Revised Statutes 482.367004

Members

Assemblywoman Marilyn Dondero Loop, Chair
Senator Shirley A. Breeden, Vice Chair
Senator Donald Gary Gustavson
Assemblyman Richard Carrillo
Assemblyman John C. Ellison

Nonvoting Members

Bruce Breslow, Director, Department of Motor Vehicles
Chris Perry, Director, Department of Public Safety
Claudia Vecchio, Director, Department of Tourism and Cultural Affairs

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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 Tourism and 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](#) or [482.3787](#).

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](#); [2011, 1792, 2985](#))

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 Commission was created in 2003 by the Nevada Legislature. The Commission on Special License Plates is another option for the authorization of special plates in addition to direct legislative authorization.

Under the provisions of NRS 482.367008, a mechanism was established to cease issuance of low-demand plates. If the Department of Motor Vehicles (DMV) determines that the total number of validly registered motor vehicles with a particular special license plate is less than the number of required plates, 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 new special license plates received by the DMV are then forwarded to the Commission for consideration.

As of February 29, 2012, there were 204,355 active special license plates, and the plates had generated \$35,045,764.26 in revenue. The most widely issued plate has been the Las Vegas Commemorative plate with 77,483 active plates as of February 29, 2012, which had generated over \$12 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 two meetings during the 2011-2012 Interim. At the March 19, 2012, 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 but one 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 (Horse Power was not in compliance). Members of the Commission took action to accept the following determinations of the Legislative Auditor regarding Horse Power's operations: (1) forms and records filed with the Commission are inaccurate; (2) proper practices of financial administration and recordkeeping are not followed; (3) methods and procedures are not followed and are not sufficient to ensure special license plate fees are used for the benefit of the intended recipient; and (4) approved grants, minutes, budgets, and payment invoices are not properly documented, are not approved timely, and are not readily available for review.

Staff of the DMV provided information to the Commission that Horse Power, Hot August Nights, Las Vegas Springs, and Aviation did not provide a list of the names of the persons who are responsible for overseeing the operation of the charitable organization and the current mailing address and telephone number of the organization to the DMV and the Commission. Members voted to notify those organizations that they must send this information to staff or their funds may be suspended. Members also considered the first 7 pending applications in the queue (currently there are 16 pending applications and 5 available openings for special license plates), which included: (1) United States Air Force Demonstration Squadron Thunderbirds; (2) March of Dimes; (3) Teamsters Local Union No. 631; (4) Susan G. Komen for the Cure and Nevada Health Centers, Inc.; (5) Nevada Airports Association; (6) Nevada Bicycle and Pedestrian Advisory Board; and (7) City of Reno. However, the Commission did not take action on the pending applications at this meeting.

On May 14, 2012, the Commission met to conduct a work session, at which time it approved five special license plate applications: (1) U.S. Air Force Demonstration Squadron Thunderbirds; (2) March of Dimes; (3) Teamsters Local Union No. 631; (4) Susan G. Komen for the Cure and Nevada Health Centers, Inc.; and (5) Nevada Airports Association. The organizations will begin working with the DMV to design the license plates.

Also, the Commission adopted seven recommendations for bill draft requests for consideration by the 2013 Legislature. The recommendations relate to pending special license plate applications, modifications to disciplinary action taken by the Commission, reporting requirements by charitable organizations receiving revenue from the sale of special license plates, designs of special license plates, and the minimum circulation requirements for special license plates.

Finally, the Commission held a hearing pursuant to NRS 482.38279 concerning the findings of the Legislative Auditor regarding Horse Power. The Legislative Auditor cited several weaknesses related to the financial administration and recordkeeping of special license plate fees received by Horse Power. Representatives of Horse Power also provided information to the Commission. The Commission upheld the determination of the Legislative Auditor. It also took action to temporarily suspend the distribution of additional fees to Horse Power from the issuance or renewal of its special license plate. Horse Power must show in each of the next two reviews of its financial administration and recordkeeping performed by the Legislative Auditor that it has complied with the requirements set forth in Chapter 482 of NRS. Further, the release of fees can occur not earlier than September 2013, pending compliance. The Commission took action to require that the Board of Trustees for Horse Power must take appropriate actions to develop and follow policies and procedures for financial and accounting matters and fix the compensation, if paid, to any of its officers or the director prior to the release of fees, which can occur not earlier than September 2013, pending compliance. Finally, staff of the Commission was directed to work with Horse Power to determine if the fees from the special license plate may be redirected to another charitable organization pending compliance by Horse Power.

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 May 14, 2012, meeting for transmittal to the 77th Session of the Nevada Legislature.

SUMMARY OF SPECIAL LICENSE PLATE APPLICATIONS APPROVED BY THE COMMISSION

1. United States Air Force Air Demonstration Squadron Thunderbirds. The Thunderbirds perform precision aerial maneuvers demonstrating the capabilities of the Air Force high performance aircraft to people throughout the world. The Thunderbirds squadron is an Air Combat Command unit composed of eight pilots, four support officers, three civilians and more than 130 enlisted personnel, performing in 25 career fields. Proceeds from the sale of the special license plate will support the Nevada State Veterans Home. The Thunderbirds did not submit a proposed plate design.
2. March of Dimes. The March of Dimes applied for a special license plate to increase the public's awareness of the seriousness of preterm birth. Funds from the special license plate will be used for evidence-based health care programs for pregnant women and children in Nevada that will lead to a reduction in preterm birth and the March of Dimes Neonatal Intensive Care Unit (NICU) Family Support, which provides critical private sector support to families who have an infant admitted into the NICU. The proposed plate design would include the March of Dimes logo.
3. Teamsters Local Union No. 631. The Teamsters Local Union No. 631 is a nonprofit organization in Nevada. There are four Teamster locals in Nevada, which represent approximately 12,000 members in southern Nevada and approximately 2,500 members in northern Nevada. Proceeds from the sale of the special license plate will support the United Labor Agency of Nevada (ULAN). It provides union members, their families, and the community at large with assistance through the ULAN Basic Needs program. This program provides services that assist individuals and families who have been victims of an accident, illness, loss of employment, reduced work hours, or any situation that has caused a hardship. These services include emergency financial assistance for rent or mortgage to prevent eviction; for utilities to avoid disconnection; and food and food gift cards to sustain nutritional needs. The proposed plate design would include the International Brotherhood of Teamsters logo.

4. Susan G. Komen for the Cure and Nevada Health Centers, Inc. Testimony provided by the Chair of Public Policy for Susan G. Komen for the Cure, Southern Nevada Affiliate, stated that Susan G. Komen for the Cure recently amended its affiliate policies to prohibit individual affiliates from receiving any state money, even from the sale of special license plates. Therefore, the organization suggested that the Mammovan, operated by Nevada Health Centers, Inc., which is an organization within Nevada, receive the funds from the sale of the special license plate since they have a common goal. The Mammovan travels in each of Nevada's 17 counties to provide mammograms to uninsured women and those who do not have such screening nearby. The proposed plate design would include a pink ribbon, which is symbolic of promoting breast health.
5. Nevada Airports Association. As a nonprofit organization, the Nevada Airports Association is comprised of airport executives, airport policymakers, and airport supporters whose mission is to promote and sustain the development of all airports in the State. Testimony provided by representatives stated that the revenue generated by the sale of a special license plate will fund the Nevada Aviation Trust Fund. This Fund provides Nevada's general aviation airports (excluding Clark County and the Reno-Tahoe Airport Authority) with a funding source to provide the required 5 percent local match for U.S. Department of Transportation, Federal Aviation Administration's Airport Improvement Program grants, which pay 95 percent of the cost of an airport improvement project.

Following is a summary of the recommendations adopted by the Commission on Special License Plates at its meeting on May 14, 2012, for transmittal to the 77th Session of the Nevada Legislature.

RECOMMENDATIONS TO DRAFT LEGISLATIVE MEASURES

1. Draft a bill requiring the Commission on Special License Plates, on or before September 1 of each fiscal year, to produce a list of each plate approved by the Commission. The list must include each organization that receives revenue from a special license plate and the intended use of the revenue. The Commission must post this information on its website. **(BDR -75)**
2. Draft a bill requiring that the contents of an application for a special license plate include the name and the signature from a representative of the organization requesting the special license plate and, if different, the name and the signature of the representative of the organization that will receive the money generated from the sale of the special license plate. The application must also state the intended cause, if the money is for a specific or limited intent and not for general use by the organization. Any organization, which submitted an application before the effective date of this provision, must update the application to include this information. **(BDR -75)**

3. Draft a bill requiring an applicant for a special license plate to submit an amendment to a pending application if: (a) the name of the organization submitting the application has been modified since the initial filing date of the application; (b) the name of the organization which will receive financial support is different from the organization that initially submitted the application; or (c) the cause which will receive financial support differs from the cause listed on the initial application. The organization which applied for the special license plate is responsible for submitting an amendment to the Department of Motor Vehicles (DMV) within 90 days after the change, but not less than 48 hours after receiving notice from the Commission on Special License Plates that the Commission will consider the application. **(BDR -75)**
4. Draft a bill providing that the Commission may take any disciplinary action authorized pursuant to NRS 482.38279(4) without a hearing if a charitable organization does not request a hearing pursuant to NRS 482.38279(2). The failure to request a hearing will result in the original determination of the Commission or the Legislative Auditor becoming final. All final decisions of the Commission may be appealed to the DMV. The decision of the DMV is a final decision for purposes of judicial review. **(BDR -75)**
5. Draft a bill amending subsection 1(b) of NRS 482.38277 to change the date to provide that “on or before July 1 of each fiscal year,” each charitable organization, not including a governmental entity whose budget is included in the *Executive Budget*, that receives additional fees must provide to the Commission and to the DMV: (a) a list of the names of the persons, whether or not designated officers, who are responsible for overseeing the operation of the charitable organization; (b) the current mailing address of the charitable organization; and (c) the current telephone number of the charitable organization. **(BDR -75)**
6. Draft a bill amending NRS 482.367008 to require that all special license plates, pursuant to NRS 482.367008, which are designed by the DMV after July 1, 2013, have a uniform background color and design. **(BDR 43-76)**
7. Draft a bill requiring that each special license plate (as defined in subsection 1 of NRS 482.367008) has at least 1,000 active plates when the DMV assesses the viability of each separate design of special license plate on October 1 of each year. If, on December 31 of the same year, the total number of validly registered motor vehicles to which the special license plate is affixed is less than 1,000, then the DMV shall discontinue the issuance of that particular design of plate. Such an order would not require existing holders of that particular design of special license plate to surrender their plates to the DMV and would not prohibit those holders from renewing those plates. **(BDR 43-77)**

