

## SUPPLEMENT

TO 2008-2009 POLICY AND PROGRAM REPORTS

2009-2010

Nevada Legislative Counsel Bureau Research Division





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# BUSINESS ENTITIES AND ECONOMIC DEVELOPMENT

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## ISSUES FOR THE 2009 LEGISLATIVE SESSION

economic conditions in Entering 2009, Nevada deteriorated have markedly. according to The Center for Business and Economic Research (CBER) at the University Nevada, Las Vegas. employment and gaming revenue are trending down; taxable sales, airport passengers, gasoline sales, and visitor volumes are down; and the unemployment rate is up, the Center says.

R. Keith Schwer, Ph.D., the director of CBER, said in June 2008 that the southern Nevada economy had entered a recession. In December, he said the recession may worsen from mild to bad in the next two years, and unemployment may exceed 10 percent.

In November 2008, Clark County local governments issued the lowest number of new home building permits since tracking began in 1988. Sales of new homes hit a 20-year low. Las Vegas metropolitan area home prices have been declining since the beginning of 2007 and through October 2008 were down about 32 percent from their peak. Condominium. mixed-used. and shopping projects have been delayed and office vacancy rates have increased for nine consecutive quarters. Large gaming companies have encountered cash flow problems and falling share prices.

The State Demographer's 20-year population projection released in September 2008 is "less robust" than 2006 projections. Contributing factors include problems in the housing sector; uncertainty regarding energy prices; and uncertainty surrounding the gaming sector. Nevertheless, Nevada's population will grow faster than the national average.

Within the Executive Branch of government, Nevada Governor Jim Gibbons has proposed a merger of the Commission on Economic Development and the Commission The Executive Director of the Tourism. Commission on **Tourism** resigned in September 2008 and has not yet been replaced.

MAIN POLICY TOPIC: BUSINESS AND LABOR

#### LIST OF BILL DRAFT REQUESTS

There is likely to be much interest in business, the economy, and economic development during the 75th Legislative Session. As of January 8, 2009, Legislators had requested the following bill drafts:

BDR	Requester	Subject
18-12	Senator Coffin	Provides economic incentives for certain motion
		picture companies.
-519	Assemblyman Christensen	Makes various changes relating to economic
		development.
-588	Assemblywoman Gansert	Makes various changes relating to economic
		development.
-613	Assemblyman Arberry	Establishes a commission to provide start-up
		loans for minority businesses.
18-721	Senator McGinness	Provides for possible funding for the Nevada
		Economic Development Commission for certain
		purposes related to military installations.
-875	Senator Schneider	Makes various changes concerning infrastructure
		for biotechnology.

#### ADDITIONAL RESOURCES

http://cber.unlv.edu

#### 75TH SESSION CONTACTS

#### **Nevada's Division of Economic Development**

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#### **Nevada's Division of Tourism**

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**SESSION** 

## ISSUES FOR THE 2009 LEGISLATIVE

Following a nationwide trend, Nevada's unemployment rate is at its highest in decades. The Department of Employment, Training and Rehabilitation reported in December 2008 that the unemployment rate had reached 8 percent in November, its highest level since February Fortunately, the solvency of Nevada's unemployment trust fund is not a concern, as DETR also reported the method for collecting premiums allows the fund balance to remain healthy even in difficult economic times and the agency is increasing its staff to handle as many claims for unemployment compensation as possible. Additionally, the federal government has taken action to augment unemployment insurance benefits by authorizing an extension of unemployment compensation from 13 weeks to 20 weeks beginning in December 2008; unemployed persons in states with an unemployment rate

exceeding 6 percent may be eligible for another extension under the federal law.

Other issues that will be discussed during the 2009 Session include workers' compensation benefits and worker safety, particularly as it relates to construction projects.



### LIST OF BILL DRAFT REQUESTS

BDR	Requester	Subject
53-25	Assemblywoman Parnell	Revises provisions governing industrial injuries and occupational diseases.
53-30	Assemblyman Segerblom	Makes certain changes concerning employment practices.
53-46	Senator Lee	Revises certain provisions governing workers' compensation and occupational diseases.
57	Assemblyman Conklin	Makes various changes concerning workers' compensation.
90	Assemblyman Claborn	Makes various changes concerning workers' compensation.
115	Assembly Committee on Commerce and Labor	Makes various changes concerning workers' compensation.
133	Assemblywoman Koivisto	Makes various changes concerning employment.
134	Assemblywoman Koivisto	Makes certain changes concerning labor union representation.
163	Senator Carlton	Makes various changes to provisions governing occupational safety and health.
53-221	Assemblyman Claborn	Makes various changes relating to workers' compensation.
276	Assembly Committee on Commerce and Labor	Requires OSHA-10 training.
53-423	Department of Business and Industry	Revises provisions governing claims for compensation under industrial insurance.
53-513	Assemblyman Bobzien	Makes various changes to facilitate the use of companion renewable energy systems.
53-546	Employment Security Division, Department of Employment, Training and Rehabilitation	Revises provisions governing the Unemployment Insurance Trust Fund to strengthen the provisions relating to the prevention of fraud, the recovery of fraudulently received benefits and the recovery of unpaid contributions.
53-590	Senate Committee on Commerce and Labor	Makes various changes relating to workers' compensation and industrial insurance.
614	Senator Cegavske	Requires identification of person who sells scrap metal for recycling to reduce theft of certain metals.
53-622	Senator Carlton	Revises provisions relating to the provision of health benefits by employee leasing companies.
644	Assemblywoman Koivisto	Makes various changes concerning prevailing wage.

BDR	Requester	Subject
53-667	Assemblyman Grady	Revises provisions governing unemployment
		compensation.
53-672	Assemblyman Claborn	Makes various changes concerning
		apprenticeships.
53-695	Assemblyman Carpenter	Revises provisions governing associations of self-
		insured employers.
53-792	Assemblyman Aizley	Revises provisions governing employment
		practices to prohibit discrimination based on
		gender identity and expression.
890	Assemblyman Cobb	Restricts drinking alcohol while working on
		construction projects.
53-898	Assemblywoman Mastroluca	Makes various changes to provisions governing
		occupational diseases.

#### 75TH SESSION CONTACTS

#### **Department of Business and Industry**

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#### **Nevada Attorney for Injured Workers**

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#### **Division of Industrial Relations**

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#### **Mine Safety and Training Section**

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MAIN POLICY TOPIC: BUSINESS AND LABOR

#### Occupational Safety and Health Administration

Website: <a href="http://dirweb.state.nv.us/OSHA/osha.htm">http://dirweb.state.nv.us/OSHA/osha.htm</a><br/>L. Tom Czehowski, Chief Administrative Officer

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#### **Safety Consultation and Training Section**

Website: <a href="http://dsafenv.state.nv.us/index.htm">http://dsafenv.state.nv.us/index.htm</a></a>
Jan Rosenberg, Chief Administrative Officer

Telephone: (702) 486-9159

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#### **Workers' Compensation Section**

Website: <a href="http://dirweb.state.nv.us/WCS/wcs.htm">http://dirweb.state.nv.us/WCS/wcs.htm</a>
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#### Office of the Labor Commissioner

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#### Department of Employment, Training and Rehabilitation

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#### **Employment Security Division**

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#### **Nevada Equal Rights Commission**

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Dennis Perea, Administrator Telephone: (702) 486-7161

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#### **Rehabilitation Division**

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# OCCUPATIONAL AND PROFESSIONAL LICENSING

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#### ISSUES FOR THE 2009 LEGISLATIVE SESSION

Each session the Legislature reviews proposals to license or otherwise regulate professionals practicing in Nevada. The Legislature also reviews proposals by regulated professions to enhance requirements for licensure, such as continuing education or fingerprinting requirements. During the 2009 Legislative Session, members will consider proposals to increase regulation of professions involving real estate transactions, such as mortgage professionals, appraisers, and realtors. The members will also consider legislation to modify the composition and operation of boards regulating health care professionals.

#### LIST OF BILL DRAFT REQUESTS

BDR	Requester	Subject
54-216	Legislative Committee on	Revises provisions relating to health care
SB 8	Health Care	professional licensing boards.
54-607	Senator Wiener	Makes various changes concerning medical
SB 17		records.
54-349	Chiropractic Physicians' Board	Revises provisions governing the regulation of
SB 26	of Nevada	chiropractic physicians.

BDR	Requester	Subject
54-320	Board of Psychological	Revises provisions governing licensure of
SB 40	Examiners	psychologists.
54-353	State Board of Architecture,	Requires written contracts for professional
SB 49	Interior Design and Residential	services of an architect, interior designer or
	Design	residential designer unless the client waives
		requirement.
54-348	State Contractors' Board	Authorizes the State Contractors' Board to
SB 50		disseminate statistical complaint data to the public
		upon request.
54-419	Nevada State Board of	Makes various changes relating to veterinary
SB 57	Veterinary Medical Examiners	medicine
54-362	Board of Examiners for	Revises provisions governing the licensure and
SB 58	Audiology and Speech	regulation of audiologists and speech pathologists.
	Pathology	
54-623	Senator Schneider	Revises provisions governing the regulation of
SB 69		complementary and integrative medicine.
54-376	Senator Cegavske	Authorizes pharmacists to perform certain
SB 72	G	screening tests.
54-352	State Board of Architecture,	Provides for emeritus status for retired architects,
SB 90	Interior Design and Residential	interior designers and residential designers.
54.251	Design Court of Applicant and	De les une labore en entre l'ence en en l
54-351	State Board of Architecture,	Revises provisions governing licensure and
SB 91	Interior Design and Residential	accreditation of architects, interior designers and
54-162	Design Senator Carlton	residential designers.
SB 119	Senator Carnon	Revises provisions governing massage therapists.
54-229	Logislativo Commission's	Establishes a recovery fund for persons
SB 141	Legislative Commission's Subcommittee to Study	Establishes a recovery fund for persons victimized by mortgage lending and related
SD 141	Mortgage Lending and Housing	professionals.
	Issues	professionals.
54-288	Assembly Committee on Health	Provides for regulation of certified medication
AB 106	and Human Services	aides.
54-86	Assemblyman Hogan	Revises provisions concerning expiration dates
AB 113		indicated on labels of prescription drugs.
54-282	Assembly Committee on	Revises provisions governing contractors.
AB 131	Commerce and Labor	
54-647	Assemblyman Conklin	Revises provisions concerning disbursement of
AB 133		funds in real estate transactions.
54-89	Assemblyman Hogan	Makes various changes concerning regulation of
<b>AB 144</b>		trust deed investments.

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54-491 Assemblywoman Koivisto Provides for the regulation of tanning	54-491	Assemblywoman Koivisto	
establishments by the State Board of			_
Cosmetology.			-

BDR	Requester	Subject
536	Senator Beers	Provides for centralized administration of
		professional licensing boards.
54-594	Assemblyman Cobb	Revises provisions relating to the redistribution of
		pharmaceuticals.
54-596	Senator Amodei	Revises provisions relating to the financial
		administration of disaster recovery funds.
54-639	Assemblyman Segerblom	Revises provisions governing the jurisdiction of
		the State Board of Cosmetology.
54-651	Senator Carlton	Revises provisions governing ownership or
		control of a dental practice.
54-671	Senator Washington	Enacts the Consumer Access to Health Care
		Services Act.
54-681	Assemblyman Hardy	Makes various changes concerning the State
		Board of Cosmetology.
54-702	Senator Carlton	Enacts provisions relating to contractors and the
		Recovery Fund administered by the State
707		Contractors' Board.
707	Senator Carlton	Makes various changes concerning licensure for
7.7	S C . 1:	visiting medical professionals.
757	Senator Carlton	Makes various changes concerning the Board of
54.760	Constantinul	Medical Examiners.
54-769	Senator Hardy	Revises provisions relating to the continuing
		education requirements for dentists and dental hygienists concerning terrorism and weapons of
		mass destruction.
54-770	Senator Hardy	Makes various changes relating to the inspection
34-770	Schator Hardy	of dental x-ray machines.
773	Assembly Committee on	Implements the federal Secure and Fair
773	Commerce and Labor	Enforcement for Mortgage Licensing Act of
	Commerce and Lacor	2008.
778	Senator Breeden	Requires licensing of dog breeders.
54-787	Assemblyman Conklin	Makes certain changes concerning mortgage
	· · · · · · · · · · · · · · · · · · ·	lending and related professions.
828	Senator Breeden	Makes various changes concerning reports of
		sentinel events.
859	Assemblyman Christensen	Makes various changes relating to
	-	pharmaceuticals.
863	Assemblywoman Kirkpatrick	Makes various changes concerning mortgage
	<u>-</u>	lending.
864	Senator Carlton	Revises provisions governing licensure of real
		estate brokers and salesmen.

BDR	Requester	Subject
873	Senator Schneider	Makes various changes to provisions governing
		the Nevada Institutional Review Board.
874	Senator Schneider	Makes various changes concerning procedures for
		tissue transplants and processing.
875	Senator Schneider	Makes various changes concerning infrastructure
		for biotechnology.
876	Senator Schneider	Makes various changes concerning the regulation
		of translational medicine.
878	Assemblywoman Woodbury	Makes various changes to provisions governing
		the practice of dentistry.
54-893	Assemblyman Oceguera	Makes various changes concerning contractors.
913	Senator Carlton	Makes various changes regarding the practice of
		dentistry.
54-918	Assemblywoman Spiegel	Authorizes the issuance of special volunteer
		medical licenses to osteopathic physicians.

#### ADDITIONAL RESOURCES

The Legislative Committee on Health Care appointed an interim study concerning health care professions. The Subcommittee of the Legislative Committee on Health Care to Review the Laws and Regulations Governing Providers of Health Care, the Use of Lasers and Intense Pulsed Light Therapy, and the Use of Injections of Cosmetic Substances (Senate Bill 4, Chapter 4, *Statutes of Nevada 2007, 23rd Special Session*) held three meetings and made recommendations back to the full Committee. These recommendations include the following:

- Request the drafting of a bill to modify the requirement that an applicant for a license to practice medicine must prove to the Board of Medical Examiners he is a citizen or lawfully entitled to remain and work in the United States by creating an exemption for applicants in the J-1 Physician Visa Waiver Program. Also direct the Board of Medical Examiners, the State Board of Osteopathic Medicine, and the State Board of Nursing to regularly survey licensees to obtain details about locations and areas of practice in order to provide information to support programs to obtain more practitioners;
- Request the drafting of a bill to allow physicians who have recently completed a residency program to be provisionally licensed upon receipt of satisfactory fingerprint reports, pending completion of the remainder of the board application process, and allow physicians who have recently completed a residency program to be provisionally licensed pending completion of certain examinations and/or board certifications;
- Request the drafting of a bill to create provisions to make it easier for professionals licensed in other states to become licensed in Nevada if certain criteria are met;

MAIN POLICY TOPIC: BUSINESS AND LABOR

- Request the drafting of a bill to specify that supervision of physician assistants can be done through telecommunications and remote file review;
- Request the drafting of a bill to allow boards to hire counsel outside the Office of the Attorney General where appropriate; and
- Request the drafting of a bill to provide boards with the authority to investigate and refer unlawful professional practice to authorities for penalties.

If you would like additional information on the Subcommittee's activities and recommendations, appendix C within Legislative Counsel Bureau Bulletin No. 09-15, *Legislative Committee on Health Care*, January 2009, can be viewed on the following website: http://www.leg.state.nv.us/lcb/research/InterimReports/2009InterimReports/2009intstudy.cfm

#### 75TH SESSION CONTACTS

#### Chiropractic Physicians' Board of Nevada

Website: <a href="http://chirobd.nv.gov">http://chirobd.nv.gov</a> Cindy Wade, Executive Director Telephone: (775) 688-1921

Fax: (775) 688-1920

E-mail: <a href="mailto:chirobd@chirobd.nv.gov">chirobd@chirobd.nv.gov</a>

#### **State Board of Cosmetology**

Website: <a href="http://www.cosmetology.nv.gov">http://www.cosmetology.nv.gov</a>

Vincent Jimno, Executive Director

Telephone: (702) 486-6542

Fax: (702) 369-8064

E-mail: nvcosmbd@govmail.state.nv.us

#### **Board of Dental Examiners of Nevada**

Website: http://www.nvdentalboard.nv.gov

Kathleen Kelly, Executive Director

Telephone: (702) 486-7044

Fax: (702) 486-7046

#### **Board of Homeopathic Medical Examiners**

Website: <a href="http://www.nvbhme.com">http://www.nvbhme.com</a>
Nancy Eklof, Executive Director
Telephone: (775) 324-3353

Fax: (775) 324-3353

E-mail: nvhomeopathicboard@sbcglobal.net

#### **Board of Massage Therapists**

Website: <a href="http://massagetherapy.nv.gov">http://massagetherapy.nv.gov</a> Lisa O. Cooper, Executive Director

Telephone: (775) 688-1888

Fax: (775) 786-4264

E-mail: nvmassagebd@state.nv.us

#### **Board of Medical Examiners**

Website: <a href="http://medboard.nv.gov">http://medboard.nv.gov</a> Louis Ling, Executive Director Telephone: (775) 688-2559

Toll-free Telephone within Nevada: (888) 890-8210

Fax: (775) 688-2321

E-mail: nsbme@medboard.nv.gov

#### **State Board of Nursing**

Website: http://www.nursingboard.state.nv.us

Debra Scott, M.S.N., R.N., A.P.N., F.R.E., Executive Director

Telephone: (775) 687-7700

Toll-free Telephone: (888) 590-6726

Fax: (775) 687-7707

E-mail: nursingboard@nsbn.state.nv.us

#### **State Board of Osteopathic Medicine**

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### **HOUSING**

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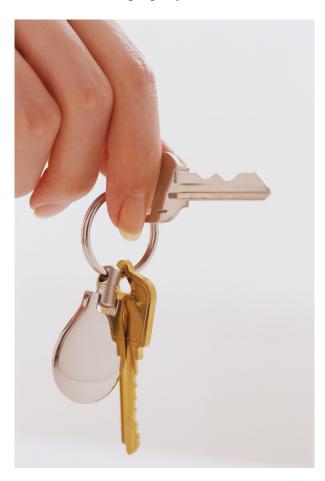
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## ISSUES FOR THE 2009 LEGISLATIVE SESSION

During the interim, the Legislative Commission appointed a subcommittee to study mortgage lending and housing issues. The subcommittee met five times, hearing expert presentations and public testimony on the extent of mortgage lending problems and their impacts throughout the State, and on the following subjects:

- Consumer counseling and outreach programs;
- Federal initiatives to address mortgage lending problems;
- Other states' legislation on mortgage lending and housing issues;

- Licensing and regulation of mortgage lending professionals in Nevada and other states; and
- Policies and procedures to alleviate the effects of mortgage problems on renters of residential property.



### LIST OF BILL DRAFT REQUESTS

BDR	Requester	Subject
10-18	Senator Parks	Makes various changes to provisions relating to
		common-interest communities.
10-34	1	Makes certain changes concerning provision of
	Joint Requester:	certain services within common-interest
	Assemblyman Anderson	communities.
70	Senator Schneider	Revises various provisions governing common-
		interest communities.
109	Assemblyman Beers	Makes various changes concerning common-
10.1=0		interest communities.
10-178	Assembly Committee on	Revises provisions governing common-interest
101	Commerce and Labor	communities.
184	Assemblyman Carpenter	Makes various changes to provisions governing
25, 227	T :1: C : : !	common-interest communities.
25-227	Legislative Commission's	Authorizes the creation of community land trusts.
	Subcommittee to Study  Mortgage Landing and Housing	
	Mortgage Lending and Housing Issues	
10-319		Revises provisions prohibiting discrimination in
10-319	Commission, Department of	employment, housing and public
	Employment, Training and	accommodations.
	Rehabilitation	decommodations.
10-389	Assemblyman Settelmeyer	Revises provisions governing audits of
		homeowners' associations.
43-427	Manufactured Housing	Makes various changes to the provisions
	Division, Department of	governing the regulation of mobile homes,
	Business and Industry	manufactured homes, commercial coaches and
		other manufactured buildings.
531	Assemblyman Kihuen	Makes various changes to provisions relating to
		homeowners' associations.
40-534	Senator Beers	Revises requirements for individual water meters
		in mobile home parks.
555	Assemblyman Manendo	Revises provisions relating to common-interest
		communities.
620	Assemblyman Munford	Enacts Homeowners' Bill of Rights.
3-655	Assemblyman Hogan	Revises provisions governing the evictions of
10.604	A 11 C	tenants from property on which they reside.
10-694	Assemblyman Carpenter	Makes various changes concerning
		common-interest communities.

BDR	Requester	Subject
10-771	Senator Rhoads	Exempts rural agricultural common-interest
		communities from the \$3 per unit annual fee to
		fund the Office of the Ombudsman for Owners in
		Common-Interest Communities and
		Condominium Hotels.
832	Assemblyman Christensen	Revises provisions governing common-interest
		communities.
833	Assemblyman Christensen	Revises provisions governing landlords and
		tenants.
R-850	Assemblywoman Koivisto	AJR: Urges Congress to implement the
		Homeowners and Bank Protection Act.
22-907	Assemblywoman Smith	Authorizes cooperative agreements between
		affordable housing entities to provide certain
		types of insurance.
10-912	Assemblywoman Pierce	Makes the payment of excessive late fees a
		prohibited provision in rental agreements.
10-920	Assemblywoman Spiegel	Revises provisions relating to the collection of
		assessments in common-interest communities.
930	Senate Committee on	Makes various changes concerning programs to
	Government Affairs	assist homeowners and stabilize communities.
940	Assemblyman McArthur	Makes changes relating to the destruction or
		deterioration of foreclosed or vacant units in
		common-interest communities.

#### **ADDITIONAL RESOURCES**

• Legislative Counsel Bureau Bulletin No.09-07, *Mortgage Lending and Housing Issues*, January 2009, which is available online at: <a href="http://www.leg.state.nv.us/lcb/research/">http://www.leg.state.nv.us/lcb/research/</a>/InterimReports/2009InterimReports/2009intstudy.cfm.

#### **75TH SESSION CONTACTS**

#### **Department of Business and Industry**

Website: <a href="http://business.nv.gov/">http://business.nv.gov/</a>
Dianne Cornwall, Director
Telephone: (775) 684-2999

Fax: (775) 684-2998

E-mail: biinfo@business.nv.gov

#### MAIN POLICY TOPIC: COMMERCE

#### **Housing Division**

Website: <a href="http://nvhousing.state.nv.us/">http://nvhousing.state.nv.us/</a> Charles L. Horsey, Administrator Telephone: (775) 687-2040

Fax: (775) 687-4040

E-mail: nhd@nvhousing.state.nv.us

#### **Manufactured Housing Division**

Website: http://mhd.state.nv.us/

Barbara Braaten, Interim Administrator

Telephone: (775) 687-2060

Fax: (775) 687-5521

E-mail: nmhd@mhd.state.nv.us

#### **Real Estate Division**

Website: <a href="http://www.red.state.nv.us/">http://www.red.state.nv.us/</a> Ann McDermott, Administrator

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#### ISSUES FOR THE 2009 LEGISLATIVE SESSION

Generally speaking, each session the Legislature will consider mandating group health insurance carriers to provide coverage for certain health conditions or treatments. Bill draft requests submitted to date would mandate coverage for autism screening and treatment, acupuncture, and eating disorders.

#### LIST OF BILL DRAFT REQUESTS

BDR	Requester	Subject
57-44	Assemblyman Ohrenschall	Mandates insurance coverage for autism
		screening and treatment.
57-49	Assemblyman Segerblom	Requires health benefit plans to provide coverage
		for acupuncture.
128	Assemblyman Hardy	Makes various changes concerning health
		insurance.
57-290	Senate Committee on	Enacts the Nevada Vehicle Protection Product Act.
	Commerce and Labor	
57-291	Senate Committee on	Revises provisions governing certain health
	Commerce and Labor	maintenance organizations and medical and dental
		plans.
57-445	Nevada Auto Theft and	Prohibits the payment to or the receipt of any
	Insurance Fraud Task Force	payment of any person for the solicitation of an
		accident victim on behalf of a legal or health care
		practitioner for the purpose of obtaining proceeds
		of an insurance claim.

MAIN POLICY TOPIC: COMMERCE

BDR	Requester	Subject
510	Assemblywoman Leslie	Requires health insurance policies to cover
		treatment for eating disorders.
57-720	Senator Mathews	Revises provisions relating to continuity of
		health care.
838	Assemblyman Ohrenschall	Revises provisions governing insurance coverage.
885	Assemblyman Bobzien	Provides for more transparency concerning health
		insurance plans.
57-923	Assembly Committee on	Revises provisions relating to unfair practices in
	Commerce and Labor	settling insurance claims.
938	Assemblyman McArthur	Makes changes relating to the use of credit scores
		by insurance companies in determining premiums.

#### **75TH SESSION CONTACTS**

#### **Division of Insurance**

Website: <a href="http://doi.state.nv.us/">http://doi.state.nv.us/</a>

Scott J. Kipper, Insurance Commissioner

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### PUBLIC UTILITIES AND ENERGY

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## ISSUES FOR THE 2009 LEGISLATIVE SESSION

There are two particular developments to issues in note regarding energy 2009 Session. First, President Obama has repeatedly indicated he plans to emphasize development and deployment of domestic renewable energy resources and energy efficiency programs. In connection with this announced policy, it is likely in the next two years that Congress will take some action regarding carbon emissions, the majority of which come from fossil-fuel electric power generation facilities. The new energy policy direction at the federal level will influence proposed power projects in Nevada, both those utilizing fossil fuels and those powered by renewable energy sources.

Secondly, the creation of new Senate Committee on Energy, Infrastructure Transportation and signals a broader conceptual approach to energy issues. policies recognizing that in the future,

affecting electricity, natural gas, and transportation will more be closely correlated. There is a growing trend toward development of so-called Plug-in Hybrid Electric Vehicles as well as all-electric vehicles. The advent of these new vehicles means there will be an expanded role for electric utility companies, as they develop the infrastructure to service this new class of This expanded use of electric customers. power will have a profound effect on the electric power industry, the transportation sector, and the environment.

These two developments already are reflected in bill draft requests (BDRs) being prepared for consideration in 2009. As of December 15, 2008, there are 13 requests for bills addressing energy in general, renewables, and emissions; 4 related to energy efficiency programs and energy use in buildings; and 3 bills directed at hybrid vehicles transportation electric and electrification projects. Many of these BDRs indicate a desire to increase the use of solar power in Nevada by enhancing incentives and rebates for solar systems, allowing nonutility companies to participate in installing rooftop solar PV units to provide electricity to property owners, and petitioning Congress to deed federal land to Nevada for developing renewable projects.

In addition to the foregoing bills on energy, emissions and energy-related transportation issues, there are several bills on traditional public utility topics such as billing and customer services.

#### LIST OF BILL DRAFT REQUESTS

The following chart lists the 20 energy-related BDRs requested as of December 15, 2008:

BDR	Requester	Subject
58-165	Senator Carlton	Extends the maximum period certain hybrid
SB 9		vehicles may be used as a taxicab.
43-40	Assemblyman Ohrenschall	Authorizes the operation of certain fuel-efficient
		hybrid electric vehicles in lanes reserved for
		high-occupancy vehicles, regardless of the
		number of passengers.
96	Assemblywoman Leslie	Creates State Renewable Energy Transmission
		Authority.
121	Assemblyman Bobzien	Makes various changes concerning energy
		efficiency measures.
158	Senator Titus	Enacts provisions relating to the use and
		development of solar energy.
172	Senator Horsford	Makes various changes regarding energy
		efficiency measures.
58-189	Assemblywoman Leslie	Authorizes third-party ownership of renewable
		energy systems.
223	Assemblyman Conklin	Makes various changes to provisions concerning
		energy resources.
377	Senator Schneider	Provides incentives for certain electrification
		projects.
58-378	Senator Schneider	Enacts provisions relating to energy efficiency,
		renewable energy and building construction.
379	Senator Schneider	Makes various changes relating to solar thermal
		energy and other renewable energy resources.
58-380	Senator Schneider	Makes various changes relating to systems for
		obtaining and using solar energy and other
		renewable energy resources.
381	Senator Schneider	Enacts provisions relating to energy usage and
		fuel consumption.
58-438	Nevada State Office of Energy,	Revises provisions governing energy conservation
	Office of the Governor	and efficiency standards.
482	Senator Parks	Establishes program for governmental financing
		of the cost of renewable energy improvements
		that are part of a solar energy system.

BDR	Requester	Subject
511	Assemblyman Bobzien	Makes various changes to the provisions
		governing the Solar Energy Systems Incentive
		Program.
53-513	Assemblyman Bobzien	Makes various changes to facilitate the use of
		companion renewable energy systems.
520	Assemblyman Christensen	Makes various changes relating to energy.
R-686	Assemblywoman Buckley	AJR: Urges Congress to cause BLM land in
		Nevada that is suitable for developing renewable
		energy projects to be deeded to the State of
		Nevada to jumpstart new renewable energy
		projects.
R-731	Assemblyman Goicoechea	ACR: Expresses support for the proposed power
		plants in northeastern Nevada.

#### 75TH SESSION CONTACTS

The following list contains some of the State agencies and interested parties that appear on energy issues before the Senate Committee on Energy, Infrastructure and Transportation. This list is not comprehensive, as there are many other groups and individuals who have an interest in energy issues; the list merely represents some of those who regularly appear to offer insight and comment.

#### Nevada AFL-CIO

Danny Thompson, Executive Secretary Treasurer

Telephone: (702) 459-1414

#### **Nevada Conservation League**

Kyle Davis

Telephone: (702) 562-8147

#### **Nevada Energy**

(formerly Nevada Power and Sierra Pacific Power)

Judy Stokey

Telephone: (702) 367-5646

#### **Southwest Gas Corporation**

Debra Jacobson

Telephone: (702) 876-7163

#### **Toiyabe Chapter-Sierra Club**

Joseph (Joe) Johnson

Telephone: (775) 348-7192

MAIN POLICY TOPIC: COMMERCE

#### **Utility Shareholders Association**

Douglas Ponn

Telephone: (775) 813-6699

#### **Western Resource Advocates**

Charles Benjamin, Director Nevada Office

Telephone: (775) 841-5902

#### **Nevada's Department of Taxation**

Dino DiCianno, Executive Director

Telephone: (775) 684-2000

#### **Public Utilities Commission of Nevada**

Jo Ann P. Kelly, Chair Telephone: (775) 684-6101

#### **Bureau of Consumer Protection**

(Consumer's Advocate)
Office of the Attorney General
Eric Witkoski, Chief Deputy Attorney General

Telephone: (702) 486-3129 (direct)

#### **Nevada State Office of Energy**

Office of the Governor Hatice Gecol, Ph.D., Director Telephone: (775) 684-5670

#### **Nevada Renewable Energy and Energy Conservation Task Force**

Russ Fields. Chair

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# REGULATION OF FINANCIAL AND LENDING INSTITUTIONS

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After a lengthy period of rapid population growth and increasing home prices, Nevada's housing markets began to show signs of stress in 2006, when the normal level of foreclosures on residential mortgages began to rise. Starting in 2007, average home prices began to decline, and the foreclosure rate increased dramatically. The highest number of problem mortgages is Clark County. Other rapidly growing counties have had similar problems at a smaller scale, although counties experiencing increased mining activity have not had many foreclosures.

From January 1, 2006, through November 31, 2008, about 28,300 homes were foreclosed upon in Clark County,

including almost 16,000 in the last 12 months. According to the Mortgage Bankers Association, 8.5 percent of Nevada mortgages were past due as of September 30, 2008. and there had been 14,027 foreclosure starts in the third quarter of 2008. There are also signs of trouble with commercial mortgages. As December 2008, the Las Vegas metropolitan area had \$6.6 billion in troubled commercial assets.

In response to the problems in the residential housing sector. Nevada's Legislative Commission established the Subcommittee to Study Mortgage Lending and Housing Issues The Commission in September 2008. requested a study of residential foreclosures, the real estate market, and subprime lending in Nevada and other states, with a goal of mitigating future mortgage lending problems. After considering a wide range of testimony, the Subcommittee voted to request drafting of legislation consideration for by 2009 Legislature that would make changes regarding the licensing of regulation of mortgage lending professionals; establish a mortgage lending recovery fund; address issues related to foreclosure; authorize the creation of community land trusts; and create a central repository of Nevada housing data.

MAIN POLICY TOPIC: COMMERCE

Problems related to residential loans have affected Nevada's financial and mortgage lending institutions. Two Nevada banks failed in 2008. Nevada's Department of Business and Industry (DBI) issued a cease-and-desist order to a third bank and took over the operations of a northern Nevada mortgage broker after finding unsafe and unsound operations. Las Vegas metropolitan area credit unions have taken increasing losses on car loans and home mortgages. In November 2008, the Legislature's Interim Finance Committee authorized the Division of Financial Institutions, DBI, to hire ten additional examiners, with salaries covered by additional fees from regulated institutions and lenders.

In December 2008, a legislative audit of the Division of Mortgage Lending, DBI, showed that it had failed to examine all mortgage companies annually, as required, and to collect about \$1.5 million in assessments, fees, and fines. Over 75 percent of mortgage companies were not examined in 2007.

#### LIST OF BILL DRAFT REQUESTS

In addition to the five bill draft requests (BDRs) submitted by the Interim Subcommittee, legislators had requested 15 additional bill drafts as of January 8, 2009. In addition to foreclosures and mortgage lending, they address banking regulations, escrow agencies, retail installment loans, and trust companies.

#### ADDITIONAL RESOURCES

- Legislative Counsel Bureau Bulletin No. 09-07, *Mortgage Lending and Housing Issues*, January 2009: <a href="http://www.leg.state.nv.us/lcb/research/InterimReports/2009InterimReports/2009InterimReports/2009InterimReports/2009Intstudy.cfm">http://www.leg.state.nv.us/lcb/research/InterimReports/2009InterimReports/20
- The Housing and Economic Recovery Act of 2008, Public Law 110-289 (H.R. 3221)
- Emergency Economic Stabilization Act of 2008, Public Law 110-340 (H.R. 1424)
- Federal Reserve Board, Regulation Z, Truth in Lending, as amended (12 CFR 226)
- http://foreclosurehelp.nv.gov/

#### 75TH SESSION CONTACTS

#### **Department of Business and Industry**

• Division of Financial Institutions George E. Burns, Commissioner Telephone: (702) 486-4120  Division of Mortgage Lending Joseph L. Waltuch, Commissioner Telephone: (702) 486-0780

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# TELECOMMUNICATIONS AND COMMUNICATION TECHNOLOGY

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# ISSUES FOR THE 2009 LEGISLATIVE SESSION

#### DTV Transition

Starting February 17, 2009, full-power television stations in the United States will no longer broadcast an analog signal. In what is known as the digital TV (DTV) transition, they will broadcast digital signals only. Cable and satellite TV subscribers will not be affected. (For more details, see Current Issues in Telecommunications Policy.)

Although some viewers will get better reception and more channels than they did with analog broadcasts, several studies have pointed out possible problems with the DTV transition. Many persons may lose their TV signals after the transition and need to purchase outdoor antennas. As many

as 10 percent of households may not be ready DTV transition, for the especially African-American, Hispanic, Spanish-speaking, and young households. Consumers are not fully aware of what they need to do to keep getting service or do not know how to obtain a coupon to help pay for a converter box. In January 2009, the United States Department of Commerce said consumers who apply for coupons were being placed on a waiting list, after applications reached the authorized spending limit.

Further, many consumers who are not affected by the DTV transition are confused and believe they must do something to In one survey, 25 percent of prepare. consumers thought everyone must subscribe to cable or satellite TV after February 17, 2009, receiving broadcasts. keep In another survey, consumers were confused local cable companies switching analog channels to digital tiers and believed that a digital converter box would help them. (See the next issue.)

#### Migration of PEG Channels

As Nevada and other states have ceased to authorize local franchising of cable television operators, some public, educational, and governmental (PEG) channels are losing funding or studio space or being closed. Some cable companies are moving PEG stations to their digital tiers, with channel numbers in the 900s. A cable operator can transmit ten standard-definition digital channels, or up to three high-definition (HD) digital channels, in place of one analog channel. Since more programming is now available in HD, cable companies wish to make more of their systems digital.

In August 2008, Charter Communications said it would move at least four PEG channels to a digital tier on August 26. About 9,000 northern Nevada subscribers would need to pay an additional \$5 per month to have access to those channels. After public protests, the company delayed the move to December 15 and agreed to give the City of Reno temporary control of one analog tier channel.

Consumer Reports said in November 2008 that cable companies were deceptively using confusion about the DTV transition, which applies only to over-the-air reception, as a chance to increase cable customers' bills. In the same month, the Federal Communications Commission opened an investigation into the pricing policies and other practices of major cable operators.

#### Internet Privacy

State and federal lawmakers are showing increased interest in the privacy of Internet users. All of the largest Internet search companies routinely keep track of searches and surfing. The Federal Trade Commission has proposed voluntary self-regulatory privacy guidelines.

In August 2008, members of the United States Congress' House Committee on Energy and Commerce ordered 33 cable and Internet companies to provide details of their privacy standards, after July hearings on privacy and behavior targeting. Two technology companies that were helping Internet companies track Internet usage and sell the data to advertisers have ceased or scaled back their North American operations.

#### LIST OF BILL DRAFT REQUESTS

BDR	Requester	Subject
-278	Assembly Committee on Commerce	Revises provisions governing PEG access
	and Labor	channels.
58-712	Assemblyman Munford	Requires video service providers to
		provide discounted rates to senior citizens
		with a low income.
58-790	Senator Cegavske	Facilitates commercial roof access for
		telecommunication businesses.
58-868	Assemblyman Horne	Enacts certain consumer protections for
		users of cell phones.

#### ADDITIONAL RESOURCES

• Federal Communications Commission, "For Consumers" http://www.fcc.gov/cgb/consumers.html

#### **75TH SESSION CONTACTS**

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### TRANSPORTATION

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## ISSUES FOR THE 2009 LEGISLATIVE SESSION

# Funding Nevada's Future Transportation Infrastructure

Nevada's Department of Transportation (NDOT) has projected a shortfall \$5.1 billion to \$6.3 billion for the period 2009 to 2016. Additionally, concerns have been expressed concerning the solvency of the State Highway Fund. As a result, alternative concepts to funding transportation infrastructure may be considered legislative session. Those concepts include highway project prioritization; State-operated private-operated toll roads roads; facilitated by concession agreements; and other types of public-private partnerships. President Obama has indicated he plans to economic introduce a large stimulus package containing significant funding for transportation infrastructure. Such extraordinary federal funding may facilitate undertaking projects in Nevada that might otherwise have been delayed or foregone due to economic conditions and will almost certainly impact the discussion in Nevada on how to address the forecast shortfall in available revenue. One potential new project contained in the bill draft request (BDR) list addresses a light rail system while another BDR pursues a study of the feasibility of mass transit in Nevada.

#### Traffic Safety

Continued concern over the numbers of both pedestrian and passenger deaths in Nevada will likely result in proposals designed to improve safety in both these areas. Legislation may be considered to designate the failure to wear a seat belt a primary offense. The Legislature may also consider Nevada's measures to adiust current requirements of a child restraint system in a motor vehicle, and the use of automated enforcement systems to gather evidence to be used for the issuance of traffic citations. Other potential bills address the use of telecommunications devices while driving, repealing the requirements to wear protective headgear while driving a motorcycle, and increased penalties for traffic violations in construction zones.

MAIN POLICY TOPIC: COMMERCE

#### Other Transportation Issues

Other areas that may be the subject of bills before the Legislature include measures addressing taxi cabs, regulation of off-highway and low-speed vehicles, special license plates, vehicle insurance, the Real ID Act and various aspects of towing and repairing vehicles.

#### ADDITIONAL RESOURCES

#### Commission on Special License Plates (Nevada Revised Statutes [NRS] 482.367004)

The Commission on Special License Plates is a permanent committee of the Legislature, and it is authorized to approve or disapprove applications for special license plates. Commission members consist of five voting members and three nonvoting members. The voting members must be legislators, including the legislators who served as chairmen of the Assembly Committee on Transportation and the Senate Committee on Transportation during the most recent legislative session. The nonvoting members are to be the directors of Nevada's Department of Motor Vehicles, Nevada's Department of Public Safety, and Nevada's Department of Cultural Affairs. The Commission has requested three BDRs as set forth in Legislative Counsel Bureau Bulletin No. 09-17.

#### Legislative Commission's Subcommittee to Study Transportation Issues (NRS 218.682)

The Legislative Commission approved the creation of the Subcommittee to Study Transportation Issues in September 2007. The scope of the study included transportation funding, transportation planning, and the use of alternative modes of transportation. The Subcommittee adopted six recommendations, including one that will be a BDR for consideration by the 2009 Legislature. The recommendations address the following major topics: (1) assessing a fee against a driver who is convicted of a major traffic violation; (2) funding for transportation infrastructure in Nevada; (3) encouraging NDOT to consider the impact of traffic on State highways and the effect it has on wildlife; (4) repealing the requirement to wear a helmet while driving a motorcycle; and (5) commending the Nevada Executive Committee on Traffic Safety for developing a Nevada Strategic Highway Safety Plan.

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#### **Airport Authorities**

• Clark County Department of Aviation

McCarran International Airport

Website: http://www.mccarran.com

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• Reno-Tahoe Airport Authority

Reno-Tahoe International Airport

Website: http://www.renoairport.com Krys T. Bart, A.A.E., President/CEO

Telephone: (775) 328-6400

#### **Regional Transportation Commissions (RTC)**

#### RTC of Southern Nevada

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#### RTC of Washoe County

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#### U.S. Department of Transportation—Federal Motor Carrier Safety Administration

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#### SELECTED INTEREST GROUPS

#### Las Vegas Monorail

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#### **Nevada Association of Counties**

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#### **Nevada Franchised Auto Dealers Association**

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MAIN POLICY TOPIC: COMMERCE

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#### **Nevada Motor Transport Association**

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#### **Nevada Petroleum Marketers and Convenience Store Association**

Website: http://www.nvfuels.com Peter Krueger, State Executive Telephone: (775) 348-1888

#### **Nevada Taxpayers Association**

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## ISSUES FOR THE 2009 LEGISLATIVE SESSION

#### **Public School Funding**

In order to meet the revenue shortfall in the State of Nevada, all publically funded entities, including the school districts, were faced with budget reductions during the 2007-2009 Biennium. The first round of education budget reductions faced by school districts required a 4.5 percent reduction in revenues. This required school districts to revert approximately \$93 million. second round of budget reductions occurred during the 24th Special Session of the Legislature on June 27, 2008. For school districts, the budget reductions totaled \$91 million, making the grand total of budget reductions for school districts during the 2007-2009 Biennium nearly \$184 million. For the upcoming biennium (July 2009 through June 2011), the Governor has

requested agencies submit 14 percent reductions to their budgets. Statewide, for Nevada's 17 school districts, that amounts to almost \$189 million in each fiscal year. Based upon recent revenue forecasts, the estimated budget reductions may need to be higher.

#### **Charter Schools**

Issues concerning charter schools include the sponsorship of charter schools, administrative fees, renewal application submissions, and governing body membership.

#### Governance of Elementary-Secondary Education in the State of Nevada

concerning Issues the governance K-12 education include the authority of the State Board of Education, the Department of Education. well as the various as commissions. councils. and committees established under the Nevada Education Reform Act.

#### **School Safety**

Issues concerning school safety include school security, bullying, gang activity, sexual offenses against pupils, immunizations, school crossing zones, and pest management in schools.

### LIST OF BILL DRAFT REQUESTS

The following list of bill draft requests (BDRs) concerns public school funding:

BDR	Requester	Subject
S-64	Senator Schneider	Makes an appropriation to the State Distributive
SB 2		School Account to ensure that the amount of
		money expended per pupil meets or exceeds the
		national average.
34-412	Washoe County School District	Authorizes the Superintendent of Public
SB 56		Instruction to waive the required minimum
		amount of money school districts must expend on
		textbooks in times of economic hardship.
32-504	Eureka County	Authorizes a school district to access its
SB 61		mitigation fund under certain circumstances and
		use the money for certain expenditures.
34-295	$\mathcal{E}$	Revises provisions governing expenditures for
AB 13	Education	textbooks, instructional supplies and instructional
		hardware.
34-634	Clark County School District	Creates the Public Education Stabilization Fund.
AB 55		
170	Senator Horsford	Provides for the creation of a Statewide Education
		Efficiency and Equity Commission.
560	Assemblyman Denis	Provides for voluntary donations for the support
		of public education.
581	Assemblywoman Buckley	Establishes a state spending prioritization plan for
		education, health and prisons.
34-628	Senator Heck	Establishes the Stability Account for Education.
664	Senator Rhoads	Creates the Stabilization Fund for School
		Districts.
685	Assemblywoman Buckley	Repeals tax abatements and exemptions that take
		money away from schools.

The following list of BDRs concerns charter schools:

BDR	Requester	Subject
34-411	Washoe County School District	Increases the time allowed for notice of renewal
<b>AB 26</b>		of a charter school and clarifies provisions
		governing exemptions for charter schools from
		performance monitoring.
34-424	Department of Education	Makes various changes regarding charter schools.
<b>AB 100</b>		

BDR	Requester	Subject
34-279	Senate Committee on Health	Revises provisions governing charter schools.
	and Education	
34-297	Legislative Committee on	Revises provisions governing sponsorship of
	Education	charter schools.
34-298	Legislative Committee on	Revises provisions governing charter schools and
	Education	university schools for profoundly gifted pupils.
550	Assemblywoman Smith	Revises provisions governing charter schools.
34-805	Senate Committee on Health	Revises provisions governing charter schools.
	and Education	

### The following list of BDRs concerns K-12 governance:

BDR	Requester	Subject
171	Senator Horsford	Revises the provisions governing the Nevada
		Department of Education.
232	Senator Horsford	Revises provisions relating to the State Board of
		Education.
R-301	Legislative Committee on	Revises provisions governing the system of public
	Education	education in this State.

### The following list of BDRs concerns school safety:

BDR	Requester	Subject	
43-384	Senator Washington	Revises provisions governing speed limits in	
SB 18		school zones and school crossing zones.	
34-303	Legislative Committee on	Revises provisions governing safe and respectful	
AB 5	Education	learning environments in public schools.	
21	Senator Nolan	Makes various changes concerning school	
		security and safety.	
34-28	Senator Wiener	Prohibits cyber bullying.	
14-69	Assemblyman Grady	Makes various changes concerning persons who	
		commit certain sexual offenses against pupils or	
		students.	
34-143	Assemblyman Munford	Revises provisions governing policies of school	
		districts relating to criminal gang activity.	
34-154	Assemblyman Stewart	Revises provisions governing immunization of	
		children.	
274	Assemblywoman Parnell	Revises provisions governing school safety.	
522	Assemblyman Christensen	Makes various changes relating to gang activity.	
564	Assemblywoman Weber	Provides for the implementation of integrated pest	
		management programs in schools.	

MAIN POLICY TOPIC: EDUCATION

#### ADDITIONAL RESOURCES

- Legislative Counsel Bureau Bulletin No. 09-12, *Legislative Committee on Education*, January 2009: The report of the actions of the joint education oversight committee meeting during the interim period.
- The 2009 Nevada Education Data Book: Contains data concerning Nevada's public education system, including national and western states comparisons.

#### **75TH SESSION CONTACTS**

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#### **Nevada Association of School Boards**

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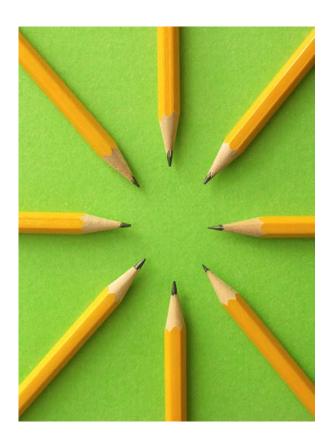
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\$29.6 million, followed by a reduction of \$68.2 million in FY 2009. An additional \$10.8 million was cut from the capital improvements projects for the biennium. The most significant issue facing the NSHE in the 2009 Legislative Session will be funding.

# ISSUES FOR THE 2009 LEGISLATIVE SESSION

In its 74th Session and 23rd Special Session, Nevada Legislature approved the operating budget for General Fund the 2007-2009 Biennium in excess \$6.8 billion. Appropriations to education totaled \$3.7 billion, 54.4 percent appropriations. The share marked for the Nevada System of Higher Education (NSHE) Within months of the was \$1.32 billion. Legislature's adjournment, the revenues to the General Fund began to decline, resulting in an estimated shortfall for the biennium of approximately \$1.5 billion, due to various factors contributing to a state and national economic downturn. In response, the Governor ordered budget reductions and the Legislature in the 24th Special Session enacted changes in the 2007-2009 budget to generate savings.

In Fiscal Year (FY) 2008, the NSHE was required to reduce its operating budget by



MAIN POLICY TOPIC: EDUCATION

#### LIST OF BILL DRAFT REQUESTS

Senate Bill 490 (Chapter 524, *Statutes of Nevada 2007*) repealed the authority of the Board of Regents of the University of Nevada to request bill drafts in the 2009 and 2011 Sessions of the Legislature.

#### **75TH SESSION CONTACTS**

#### **Nevada System of Higher Education**

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#### ISSUES FOR THE 2009 LEGISLATIVE SESSION

Each session, the Legislature considers issues related to gaming, one of the State's most prominent industries. It appears that the 2009 Legislative Session is no exception. A list of the bills related to gaming that may be referred to the Committees on Judiciary follows:

#### LIST OF BILL DRAFT REQUESTS

BDR	Requester	Subject
41-311	State Gaming Control Board	Makes various changes to the provisions
SB 83		governing the regulation of gaming.
C-149	Assemblywoman McClain	AJR: Proposes to amend Nevada Constitution to
	(originally requested by	authorize Legislature to provide for statewide
	Assemblywoman Womack)	lottery under certain circumstances.
41-603	Assembly Committee on	Makes various changes concerning gaming.
	Judiciary	
41-659	Assembly Committee on	Makes various changes concerning gaming
	Judiciary	enterprise districts.
41-711	Assemblyman Anderson	Makes various changes relating to sports pool.

MAIN POLICY TOPIC: GAMING

#### ADDITIONAL RESOURCES

The State Gaming Control Board's website (<a href="http://gaming.nv.gov/">http://gaming.nv.gov/</a>) provides information about upcoming meetings, amendments to the Nevada Gaming Commission's regulations, and other news items of interest.

#### **75TH SESSION CONTACTS**

#### **Nevada Gaming Commission**

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## **ELECTIONS**

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## ISSUES FOR THE 2009 LEGISLATIVE SESSION

Several election-related topics appear to be generating interest among legislators and election officials going into the 2009 Regular Session.

First, voter identification requirements continue to garner attention both nationally and in Nevada. Currently, Nevada law requires that a voter show identification at the polling place only if he registered to vote for the first time by mail and did not supply adequate proof of identity when submitting the voter registration form. At least two bills have been requested thus far seeking to require photo identification for all voters.

Second, while the 2008 election went very well in Nevada, problems surrounding the practices of so-called "third-party" voter registration groups have generated interest in

revisiting the statutory provisions governing their operations. One area of interest is how to better regulate the allocation and tracking of voter registration forms requested by these groups. Another concerns oversight of their hiring and compensation practices. The omnibus elections bill (Assembly Bill 82) submitted by Secretary of State Ross Miller may contain provisions designed to address these concerns.

Easing access to voting and generating higher voter turnout is also on the agenda for 2009. At least two legislators have requested measures seeking to move Nevada's primary election dates closer to the general elections. Additionally, for the second session in a row, a bill draft request (BDR) has been submitted that would do away with Nevada's deadline for voter registration and Nevadans to register and vote up to and on Election Day. **Provisions** allowing for online registration are also contained in the Secretary of State's elections bill.



Crafting fair, defensible guidelines for gathering signatures on statewide initiative petitions will be another goal for the Legislature in 2009, as provisions enacted in 2007 addressing this issue through a formula based on each county's population were found unconstitutional in federal court in 2008.

Finally, an Electoral College reform measure will be introduced again in 2009 proposing that Nevada adopt the National Popular Vote for President plan. Approval of the plan would enter Nevada into an interstate compact with other participating states to award member states' electoral votes to the national popular voter winner in the presidential election regardless of whether that person was the popular vote winner in a given state.

#### LIST OF BILL DRAFT REQUESTS

The following chart lists 24 election-related BDRs submitted as of January 2, 2009.

BDR	Requester	Subject		
24-226	Assemblywoman Gansert	Changes the date of the primary election.		
AB 12				
24-486	Nevada League of Cities and	Revises provisions governing city elections.		
<b>AB 79</b>	Municipalities			
24-417	Secretary of State	Makes various changes relating to the		
AB 82		administration of elections.		
C-678	Assembly Minority Leader	AJR: Proposes to amend the Nevada Constitution		
		to revise the procedure for reapportioning election		
		districts.		
C-710	Assembly Committee on	Proposes to amend the Nevada Constitution to		
	Elections, Procedures, Ethics,	revise the provisions governing a petition for an		
	and Constitutional Amendments	initiative or referendum.		
43	Senator Titus	Removes the current presidential caucus system		
		and restores the presidential preference primary		
24-79	Assembly Minority Leader	Requires photographic identification for voting.		
24-83	Senator Care	Requires broad construction of the initiative and		
		referendum single-subject rule in favor of		
		proponents of ballot questions.		
166	Assemblyman Conklin	Makes various changes concerning ethics and		
		campaign practices.		
32-233	Senator Amodei	Revises provisions governing certain		
		transportation issues related to the Washoe RTC		
		ballot questions.		
24-382	Senator Care	Clarifies provisions governing petitions to recall		
		public officers.		
463	Assemblywoman Pierce	Requires paper ballots in elections and a system		
		for auditing the ballots.		

BDR	Requester	Subject
563	Assemblywoman Weber	Revises provisions governing elections.
24-577	Assemblyman Stewart	Requires photographic identification for voting.
24-582	Senator Lee	Requires enforcement of the provisions governing the dissolution and distribution of campaign funds of candidates and elected officials.
24-666	Senator Washington	Makes various changes regarding elections.
691	Assemblyman Goedhart	Revises requirements relating to the residency of candidates for public office.
24-700	Assemblyman Hogan	Revises the provisions governing the filing dates and required contents of Campaign Contributions and Expenses Reports to make more information available to voters before early voting begins.
24-713	Assemblyman Segerblom	Revises provisions governing the dates for certain elections.
737	Assemblyman Gustavson	Makes various changes concerning initiative petitions.
754	Assembly Committee on Elections, Procedures, Ethics, and Constitutional Amendments	Eliminates the deadline for registering to vote in an election.
24-755	Assembly Committee on Elections, Procedures, Ethics, and Constitutional Amendments	Enacts the Agreement Between the States to Elect the President by National Popular Vote.
24-822	Assemblyman Claborn	Enacts the Agreement among the States to Elect the President by National Popular Vote.
24-925	Senator Raggio	Makes various changes relating to elections.

#### ADDITIONAL RESOURCES

For more information on certain election-related issues that may arise during the 2009 Legislative Session, please refer to Legislative Counsel Bureau Bulletin No. 09-10, *The Legislative Commission's Staff Study on Elections*. For general information on election-related matters, please consult the contact below.

#### **75TH SESSION CONTACTS**

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MAIN POLICY TOPIC: GOVERNMENT

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## **HOMELAND SECURITY (REAL ID ACT)**

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# ISSUES FOR THE 2009 LEGISLATIVE SESSION

The terrorist attacks on September 11, 2001, prompted federal, state, and local governments to enact homeland security measures, enhance emergency management, and facilitate coordination among the various agencies and law enforcement.

#### Real ID Act of 2005

Real ID was a core 9/11 Commission finding and the federal Real ID Act of 2005 was signed into law on May 11, 2005, as part of the "Emergency Supplemental Appropriation for Defense, the Global War on Terror, and Tsunami Relief. 2005" (H.R. On January 11, 2008, the P.L. 109-13). United States Department of Homeland Security (DHS) announced the Real ID final rule establishing minimum security standards state-issued drivers' for licenses identification cards. This final rule follows a Notice of Proposed Rulemaking published in the Federal Register on March 9, 2007.

Based on comments received from various stakeholders, DHS drafted the final rule to substantially reduce costs and account for investments that many states have already made to improve the security of their drivers' licenses.

The final rule sets uniform standards that enhance the integrity and reliability of drivers' licenses and identification cards, strengthens issuance capabilities, and increases security at drivers' license and identification card production facilities. The final rule also dramatically reduces state implementation costs by roughly 73 percent.

A key savings component to the final rule is age-based, phased-in approach requiring someone to have a Real ID compliant license or ID card. Individuals born on or after December 1, 1964, have until December 1, 2014, to get a compliant license or card while those born before December 1, 1964, have until December 1, 2017. Nevada's Department of Motor Vehicles (DMV) was granted a Real ID Act extension by DHS that allows Nevada's current driver's license to be accepted for federal purposes until December 31, 2009.

According to DMV, the Real ID project is in full swing and on target according to plan. The DMV received the Federal Emergency Management Agency (FEMA) Grant award

letter and was authorized by the Interim Finance Committee for use of the grant funds. The FEMA award letter includes a grant of \$1,693,000 to be used to meet material compliance by December 31, 2009, and an additional \$1.2 million in grant funds to be used to participate in building the national hub. The development of the national hub includes Florida, Indiana, and Nevada, as the lead test states, along with Mississippi as the lead state on this project. One-half of the funds are available to DMV for immediate draw-downs. The DMV must complete an updated demonstration grant proposal to receive the other half of the grant funds which is currently being completed.

The DHS and FEMA have been granted an additional \$100 million for Real ID by the Fiscal Year 2009 federal budget. As soon as February 2009, \$50 million of the funds is available to the states as a demonstration grant. The DMV will apply and submit a new demonstration grant proposal to request additional funds to meet full compliance with Real ID. Should Nevada be successful in receiving additional federal funds towards this project, Highway Funds will be offset for full compliance.

The Real ID Act requires that states meet 18 material compliance requirements. With the help of key employees from all divisions, different requirements are in different phases:

Business Requirements Phase	8 of the Real ID requirements
Technical Requirements	3 of the Real ID requirements
Development	1 of the Real ID requirements
Complete	3 of the Real ID requirements
Scheduled for first quarter of 2009	3 of the Real ID requirements are in this phase and are scheduled to have working sessions as planned by the project timeline

The DMV anticipates implementing the 18 material compliance requirements for Real ID in early 2010; however, no date has been set.

An additional 21 requirements for full compliance must still be met by May 10, 2011.

Any questions you may have regarding the Real ID Act can be emailed to DmvRealID@dmv.state.nv.us.

#### LIST OF BILL DRAFT REQUESTS

In addition to the Real ID Act, the Nevada Legislature will likely consider other homeland security measures in an effort to continue to adapt to a post-9/11 world.

BDR	Requester	Subject
43-391	Department of Motor Vehicles	Revises provisions to facilitate the implementation
SB 52		of the Real ID Act of 2005.
-93	Senate Committee on Energy,	Enacts provisions relating to funding for
	Infrastructure and	transportation safety and homeland security.
	Transportation	
-517	Assemblyman Christensen	Makes various changes relating to homeland
		security.

#### 75TH SESSION CONTACTS

#### **Department of Motor Vehicles**

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#### ISSUES FOR THE 2009 LEGISLATIVE SESSION

Several topics related to the Legislature appear to be generating interest among legislators going into the 2009 Regular Session. There are many requests for interim studies on matters such as the death penalty, group homes, special-needs adults, taxes, water importation, and women who are incarcerated. Additionally, there are bill draft requests concerning the length and frequency of legislative sessions, lobbying, requests for legislation, special sessions, and term limits.



#### LIST OF BILL DRAFT REQUESTS

BDR	Requester	Subject
17-102	Assemblywoman Leslie	Clarifies the role of the Child Welfare Specialist
AB 103		in the Audit Division of the Legislative Counsel
		Bureau.
-16	Assemblyman Beers	Makes various changes concerning the preparation
		of bills for consideration of the Legislature.
-41	Senate Committee on Legislative	Restricts use of state money to pay lobbyists.
	Operations and Elections	
-59	Senate Committee on Finance	Provides for a comprehensive study of existing
		taxes and the allocation of funding between state
		and local governments.

BDR	Requester	Subject
-16	Assemblyman Beers	Makes various changes concerning the preparation of bills for consideration of the Legislature.
-41	Senate Committee on Legislative Operations and Elections	Restricts use of state money to pay lobbyists.
-59	Senate Committee on Finance	Provides for a comprehensive study of existing taxes and the allocation of funding between state and local governments.
C-67	Assemblyman Segerblom	AJR: Proposes to amend the <i>Nevada Constitution</i> to revise provisions concerning legislative sessions.
17-88	Assemblyman Hogan	Makes various changes concerning lobbying disclosure.
C-107	Senator Woodhouse	SJR: Proposes to amend the <i>Nevada Constitution</i> to add a brief legislative session in even-numbered years for fiscal matters.
C-116	Senator Beers	SJR: Proposes to amend the <i>Nevada Constitution</i> to provide for annual 60-day legislative sessions.
C-139	Assemblyman Mortenson	AJR: Proposes to amend <i>Nevada Constitution</i> to authorize the Legislature to convene special sessions of the Legislature under certain circumstances.
-176	Assemblywoman Kirkpatrick	Prohibits governmental entities from making expenditures to lobby the Legislature.
17-561	Senator Nolan	Makes various changes concerning compensation of legislators.
-595	Assemblywoman Weber	Makes various changes concerning lobbying disclosure.
C-665	Senator Washington	SJR: Proposes to amend the <i>Nevada Constitution</i> to remove term limits for certain public officers.
C-678	Assembly Minority Leader	AJR: Proposes to amend the <i>Nevada Constitution</i> to revise the procedure for reapportioning election districts.
17-810	Assemblywoman Smith	Revises provisions governing the membership of the Interim Finance Committee.
-937	Assemblyman McArthur	Revises provisions relating to the membership of certain legislative committees.
-952	Legislative Commission	Makes various changes concerning interim studies and statutory committees.

#### 75TH SESSION CONTACTS

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## **OPEN MEETING LAW**

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#### ISSUES FOR THE 2009 LEGISLATIVE SESSION

Although the 2007 Session saw only one major bill relating to the Open Meeting Law, the 2009 Session will provide an opportunity to revisit at least one of the major changes made in 2005. Senate Bill 32 proposes to turn back the hands of the clock and allow evaluations of certain local government appointees, such as city and county managers, to be held in closed session. Changes to the Open Meeting Law are often controversial and involve balancing a number of competing interests.

#### LIST OF BILL DRAFT REQUESTS

The following bill draft requests propose changes to the Open Meeting Law:

BDR	Requester	Subject
19-459	Nevada Association of Counties	Allows performance evaluations of appointed
SB 32		public officers and employees to be conducted in
		a closed meeting unless the officer or employee
		requests the evaluation be held in an
		open meeting.
18-62	Senator Wiener	Makes various changes concerning the procedure
		for adopting administrative regulations and the
		requirements of the Open Meeting Law.
34-144	Assemblyman Munford	Makes certain changes concerning meetings of
		boards of trustees of school districts.
236	Senator Amodei	Makes various changes to the Open Meeting Law.

MAIN POLICY TOPIC: GOVERNMENT

#### **75TH SESSION CONTACT**

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- The functions of the Central Repository for Nevada Records of Criminal History; and
- 4. The retention and destruction of medical records.

# ISSUES FOR THE 2009 LEGISLATIVE SESSION

In 2007, the Nevada Legislature made several significant additions and amendments to provisions in Chapter 239 of the Nevada Revised Statutes (NRS) ("Public Records") the accessibility of public relating to Due to the wide range of documents. changes made to these laws, legislation making further adjustments and "fine tuning" to the law will likely be considered in 2009. Several proposals impacting government records (including those relating to criminal records and law enforcement) have already been introduced as "prefiled" measures or are included on the bill draft request (BDR) list for the 2009 Legislative Session. Topics addressed in these proposals include:

- 1. Judicial Branch exemptions of certain public records requirements;
- 2. Fees for public documents;



#### LIST OF BILL DRAFT REQUESTS

BDR	Requester	Subject
19-82	Senator Care	Makes various changes to provisions governing
		public records and disclosures.
193	Senate Committee on	Makes various changes regarding sealing of records
	Judiciary	upon conviction of a crime.
14-271	Attorney General	Requires courts to transmit records relating to the
<b>AB 46</b>		involuntary commitment or other adjudication of a
		person with a mental illness to the Central
		Repository for Nevada Records of Criminal History
		at the Department of Public Safety.
10-431	Real Estate Division,	Establishes confidentiality of certain records
AB 71	Department of Business and	maintained by the Real Estate Division for licensing
	Industry	and regulation of sales of subdivided land.
14-314	Department of Public Safety	Makes various changes related to the Central
AB 81		Repository for Nevada Records of Criminal History.
54-607	Senator Wiener	Makes various changes concerning medical records.
SB 17		
58-337	Department of Public Safety	Revises provisions governing the information
SB 51		returned to a law enforcement agency upon
		subpoena of public utility records of customers.
19-408	Nevada's Supreme Court	Exempts the Judiciary from public records requirements
SB 93		applicable to other branches of government.

#### 75TH SESSION CONTACTS

#### Office of Records Management

Division of Library and Archives, Nevada's Department of Cultural Affairs

Telephone: (775) 684-3411

Fax: (77) 684-3426

E-mail: records@nevadaculture.org

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# ETHICS IN GOVERNMENT AND WHISTLE-BLOWER LAWS

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## ISSUES FOR THE 2009 LEGISLATIVE SESSION

On December 23, 2008, Judge William A. Maddox, First Judicial District Court of Nevada, ruled that, as an Executive Branch agency, Nevada's Commission on Ethics has no authority to hear a complaint filed against a legislator concerning "actions that fall within the sphere of legitimate legislative activity," such as "voting and participation on a legislative matter." The case involved an ethics complaint filed against a legislator. ruling does not preclude Ethics Commission from hearing matters that do not relate directly to a lawmaker's legislative activities. The Ethics Commission has appealed the decision to Nevada's Supreme Court, which will consider the appeal in the Spring of 2009.

The Legislature may address the impacts of this ruling during the 2009 Session,

particularly in conjunction with Article 4, Section 6 of the *Nevada Constitution* which provides that "each house shall judge of the qualifications, elections and returns of its own members, choose its own officers . . . determine the rules of its proceedings and may punish its members for disorderly conduct . . ."

Other ethics-related issues that may arise in 2009 include revisions to rules governing the filing of campaign contributions and expenses reports, and proposals for the creation of searchable online databases of these and other reports in order to ease both filing and public access to this information.



MAIN POLICY TOPIC: GOVERNMENT

#### LIST OF BILL DRAFT REQUESTS

Following is a list of some of the measures relating to ethics requested for the 2009 Session:

BDR	Requester	Subject
23-418	Commission on Ethics	Makes various changes in laws governing ethics
SB 104		in government.
166	Assemblyman Conklin	Makes various changes concerning ethics and
		campaign practices.
939	Assemblyman McArthur	Makes various changes relating to ethics in
		government.

#### 75TH SESSION CONTACTS

#### **Commission on Ethics**

Website: http://ethics.nv.gov

Telephone (Carson City): (775) 687-5469

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### STATE AND LOCAL GOVERNMENT

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#### ISSUES FOR THE 2009 LEGISLATIVE SESSION

As the Legislature faces continuing revenue shortfalls, it is likely that changes to the organization and structure of State and local governments will be considered in an effort to reduce costs. In addition, because local governments in Nevada do not have home rule authority, bills relating to the powers and authorities of local governments are presented to the Legislature each session.

#### LIST OF BILL DRAFT REQUESTS

Prefiled bills relating to State and local governments include:

BDR	Requester	Subject
20-455	Nevada Association of Counties	Revises provisions governing certain powers of
AB 31		county government.
S-373	City of North Las Vegas	Revises certain election provisions of the North
<b>AB 39</b>		Las Vegas City Charter.
10-319	Nevada Equal Rights	Revises provisions prohibiting discrimination in
AB 43	Commission, Department of	employment, housing and public
	Employment, Training and	accommodations.
	Rehabilitation	
31-404	City of Las Vegas	Revises provisions governing local government
AB 44		stabilization funds.

BDR	Requester	Subject		
20-457	Nevada Association of Counties	Removes restriction on use of the State Public		
AB 45		Defender's Office to provide indigent defense		
		services in larger counties and requires the State		
		to fully fund indigent defense services.		
28-405	City of Las Vegas	Allows local governments to resolve certain		
AB 48		contract disputes by processes other than		
		arbitration.		
20-449	Clark County	Authorizes counties to provide for imposition of		
AB 49		civil penalties in lieu of criminal penalties for		
		violations of ordinances concerning the licensure		
		or regulation of businesses.		
20-447	Clark County	Makes various changes to provisions governing		
AB 51		county powers relating to public roads.		
20-473	Washoe County	Authorizes counties to prohibit use of private		
AB 54		water or septic systems where available public		
		water or sewer systems exist and provide a		
		program to mitigate the costs of connection to the		
		public system.		
31-453	State Treasurer	Revises provisions governing the administration		
AB 60		and investment of state money by the State		
21 101		Treasurer.		
21-401	City of Reno	Authorizes cities to identify and register vacant		
AB 66		buildings and dwellings and establish		
		responsibilities of the owners of those properties		
21.460	N 1 A	and take action to expedite rehabilitation.		
31-460	Nevada Association of Counties	Authorizes boards of county commissioners to		
AB 67	*Concurrent referral to	levy an ad valorem tax to pay the costs of vital		
	Government Affairs and	public safety, health and welfare services.		
22.472	Taxation	Designs appositions are applied to		
22-472	Washoe County	Revises provisions governing the requirements for		
AB 74	Name do Tanama a COMPanama 1	presentation of the final map for a subdivision.		
31-485	Nevada League of Cities and	Authorizes local governments to take actions		
AB 86	Municipalities	necessary to raise revenues upon local		
10.500	Lioutement Consumer	voter approval.		
18-508	Lieutenant Governor	Authorizes State Treasurer to securitize the		
AB 91		revenue stream produced by the Tobacco Master		
21 406	City of Los Vocas	Settlement Agreement.		
21-406	City of Las Vegas	Makes various changes to promote economic		
AB 94	Novede League of Cities and	development and tourism in cities.		
31-487	Nevada League of Cities and	Establishes procedure for transferring governmental		
AB 97	Municipalities	functions between governmental units.		

BDR	Requester	Subject		
22-750 <b>AB 119</b>	Assemblywoman Leslie	Requires the comprehensive regional plan in certain counties to include provisions concerning the identification and sustainability of certain supplies of water.		
28-323 SB 43	State Public Works Board	Specifically authorizes the State Public Works Board to consider administrative actions by the State Contractors' Board in the process to prequalify contractors to bid on public works projects.		
S-699 <b>SB 74</b>	Housing Division, Department of Business and Industry	Makes various changes relating to assistance to finance housing.		
18-263 SB 76	Attorney General	Clarifies provisions which allow an agency to summarily suspend a license in the interest of the public health, safety or welfare.		
19-408 SB 93	Nevada's Supreme Court	Exempts the Judiciary from public records requirements applicable to other branches of government.		
42-444 SB 94	Office of the Governor	Provides for uniform defensible space guidelines in the Lake Tahoe Basin and requires evaluation of funding for certain fire protection efforts.		
20-403 SB 95	City of Reno	Provides for taxation of an unincorporated area of Washoe County to support the provision of municipal services to the residents of that area.		
20-374 <b>SB 96</b>	Humboldt County	Makes the District Attorney of Humboldt County the ex officio public administrator.		
30-502 SB 105	Legislative Committee on Public Lands	Revises provisions governing the awarding of grants to certain purveyors of water.		

#### ADDITIONAL RESOURCES

The Nevada Spending and Government Efficiency (SAGE) Commission, created by Governor Jim Gibbons, has issued two reports (September 30 and December 30, 2008) with recommendations to streamline State government. The reports are available online at: http://www.sagenevada.org/recommendations.

MAIN POLICY TOPIC: GOVERNMENT

#### **75TH SESSION CONTACT**

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## ISSUES FOR THE 2009 LEGISLATIVE SESSION

During the interim following the 2007 Legislative Session, the fiscal situation in Nevada shifted dramatically. Many factors contributed to the economic downturn, not the least of which were the housing crisis, the rising cost of fuel, and the downturn in the economy nationwide.

In response, Governor Jim Gibbons, with the approval of the Interim Finance Committee, that took actions addressed roughly \$914 million of the shortfall. By June 2008, the sheer magnitude of the shortfall in the State's General Fund made it advisable for the Governor to convene a special session of the Legislature to meet and consider budget reduction alternatives. On Friday, June 27, 2008, the 24th Special Session of the Legislature convened to address an additional \$275 million that brought the total shortfall in the General Fund to nearly \$1.2 billion.

During the 24th Special Session, the Legislature took actions to generate roughly \$275 million in General Fund budget savings for the current biennium. The bulk of these savings came from five major changes in the budget:

- A reduction of \$106 million in the operating costs of State agencies. This cut amounts to slightly more than 3 percent of their budgets on average;
- A reversion of \$50 million of the \$156 million appropriation from the General Fund to the State Highway Fund to pay for the construction and maintenance of highways. (To mitigate the loss of this funding, the Legislature also allowed for up to \$20 million in savings in general obligation bonds from capital improvement projects to redirected to the Department of Transportation for highway construction and maintenance.)
- A 50 percent reduction in funds set aside for the purchase of textbooks, computers, and instructional supplies for the public schools totaling about \$48 million;
- A reversion of \$27 million from the Trust Fund for Public Health to the General Fund and the redirection of the next tobacco settlement payment estimated at \$4.4 million to the General Fund; and

MAIN POLICY TOPIC: GOVERNMENT

• A one-time transfer of \$19.8 million from nonreverting budgets to the General Fund.

Additional information regarding the 24th Special Session is available through the Legislature's website at: <a href="www.leg.state.nv.us">www.leg.state.nv.us</a>.

#### ADDITIONAL RESOURCES

#### **Department of Administration**

Division of Budget and Planning Website: http://budget.state.nv.us/

The 2009-2011 Executive Budget is available online at: http://budget.state.nv.us/budget 2009 11/.

The Nevada Spending and Government Efficiency (SAGE) Commission, created by Governor Jim Gibbons, has issued two reports (September 30 and December 30, 2008) with recommendations to streamline State government. The reports are available online at: http://www.sagenevada.org/recommendations.

#### 75TH SESSION CONTACTS

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# PUBLIC EMPLOYEES' BENEFITS PROGRAM (PEBP)

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### ISSUES FOR THE 2009 LEGISLATIVE SESSION

The rising cost of health care and limited resources in the State budget have made the Public Employees' Benefits Program (PEBP) a topic of much debate during the past year. The Nevada Spending and Government Efficiency (SAGE) Commission published a list of recommendations in December 2008 that included several revisions to PEBP; and the Las Vegas Chamber of Commerce published a study comparing PEBP to programs in other states, both creating much controversy.

The PEBP Board has already found it necessary to take action to reduce the State's liability and implement cost-saving measures during the interim period between legislative sessions. The Board has recently voted to cut

benefits and decrease the State's premium subsidy to employees and retirees. Additional cuts and revisions to qualifications for retirees to receive subsidies are expected in the next biennium.

Topics relating to PEBP that are likely to be debated this session include:

- Local Government Participation:
  Certain local governments continue to refuse to pay their legislatively mandated portion of retiree subsidies, despite court orders. Also, the change in law last session requiring local governments to bring their active employees into PEBP if they wish to have their retirees join PEBP has caused considerable concern and will likely be addressed again.
- Unfunded Liability: This year the State was required to report its 30-year liability for funding PEBP for the first time, due to new federal Governmental Accounting Standards Board (GASB) rules. Due to budget cuts, payments authorized during the 2007 Legislative Session intended to offset part of the State's long-term liability were suspended, so the State's long-term liability continues to grow. Whether to contribute funds to pay down this liability (and how much) is an issue of concern.

MAIN POLICY TOPIC: GOVERNMENT

- Cost Shifting: Cost shifting measures will likely include requirements for employees and
  retirees to pay a larger share of premium costs through reductions in State subsidies. Also,
  increases in co-pays have been recommended and will likely be debated as a way to reduce
  plan costs.
- **Benefit Reductions:** One way for the State to save money is to reduce benefits. Reductions in certain psychological benefits have already been made by the PEBP Board, and additional reductions in benefits will likely be debated.
- Subsidy Qualifications: Debate over how many years of service should be required for retirees to receive State subsidies for premiums, as well as the subsidy amount and benefit levels for those receiving Medicare will continue.

#### LIST OF BILL DRAFT REQUESTS

BDR	Requester	Subject
23-484	Nevada League of Cities and	Removes the requirement that loss experience of
SB 87	Municipalities	active officers and employees be commingled
		with retired officers and employees to establish
		the rates and coverage for retirees in the Public
		Employees' Benefits Program or another
		governmental program.
23-422	Public Employees' Benefits	Makes various changes concerning the Public
SB 103	Program	Employees' Benefits Program.
23-591	Assemblywoman Parnell	Revises provisions governing the Public
		Employees' Benefits Program.
759	Assembly Minority Leader	Makes various changes relating to the Public
		Employees' Benefits Program.
801	Senate Majority Leader	Revises provisions governing the Public
		Employees' Benefit System.

#### ADDITIONAL RESOURCES

- The Las Vegas Chamber of Commerce Fiscal Analysis Brief, Volume 1, Issue 4, An Overview and Comparative Analysis of Nevada's State Retiree Health Insurance Subsidy is available at: <a href="http://www.lasvegaschamber.com/government/FAB-retiree-health-subsidy.pdf">http://www.lasvegaschamber.com/government/FAB-retiree-health-subsidy.pdf</a>.
- The Nevada Spending and Government Efficiency (SAGE) Commission's second report to Governor Jim Gibbons on December 30, 2008, is available at <a href="http://www.sagenevada.org/recommendations">http://www.sagenevada.org/recommendations</a>.

• The information relating to the PEBP Board's recent actions to shift costs and reduce benefits are available in the meeting minutes online at <a href="http://www.pebp.state.nv.us/informed/boardmeet.htm">http://www.pebp.state.nv.us/informed/boardmeet.htm</a>. The PEBP staff reports are available online at <a href="http://pebp.state.nv.us/informed/informed.htm">http://pebp.state.nv.us/informed/informed.htm</a>.

#### 75TH SESSION CONTACTS

Public Employees' Benefits Program (PEBP)

Website: <a href="http://www.pebp.state.nv.us">http://www.pebp.state.nv.us</a>

Telephone: (775) 684-7000

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# PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS)

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### ISSUES FOR THE 2009 LEGISLATIVE SESSION

A number of changes to Nevada's Public Employees' Retirement System will be considered in 2009. Possible issues include substitution of a defined contribution plan for new employees, changes in retirement ages, reduction of the multiplier, and modification of the calculation for final average salary. As Nevada grapples with continuing revenue shortfalls, legislators will look to retirement system changes as a source of potential cost savings.

The Nevada Spending and Government Efficiency (SAGE) Commission published a list of recommendations in December 2008 that included a proposal to modify benefits for public employees hired after July 1, 2009. The Commission's second report to

Governor Jim Gibbons on December 30, 2008, is available at:

http://www.sagenevada.org/recommendations

The Las Vegas Chamber of Commerce published a *Fiscal Analysis Brief, Volume 1, Issue 3, An Overview and Comparative Analysis of the Nevada Public Employees' Retirement System,* 2008, comparing retirement benefits for Nevada's public employees to other states and identifying long-term issues to consider. The brief is available online at: <a href="http://www.lasvegaschamber.com/government/FAB-retirement-system.pdf">http://www.lasvegaschamber.com/government/FAB-retirement-system.pdf</a>.



#### LIST OF BILL DRAFT REQUESTS

BDR	Requester	Subject		
23-308	Public Employees' Retirement	Revises certain administrative provisions and		
SB 41	System	provides clarification of choices within the		
		Judicial Retirement System.		
23-29	Assemblyman Segerblom	Makes certain changes concerning the Public		
		Employees' Retirement System.		
132	Assemblyman Hardy	Makes certain changes concerning the Public		
		Employees' Retirement System.		
174	Assemblywoman McClain	Revises provisions concerning the Public		
	(originally requested by	Employees' Retirement System.		
	Assemblywoman Womack)			
633	Assembly Minority Leader	Revises provisions relating to the Public		
		Employees' Retirement System.		
891	Assemblyman Cobb	Provides for the forfeiture of any pension and		
		retirement benefit of public employee or officer		
		who steals funds, misuses his office or commits a		
		job-related felony.		

#### ADDITIONAL RESOURCES

Other reports that have been published recently on the subject of retirement benefits for public employees include:

- National Institute of Retirement Security, A Better Bang for the Buck, The Economic Efficiencies of Defined Benefit Pension Plans, August 2008 (http://www.nirsonline.org/storage/nirs/documents/Bang%20for%20the%20Buck%20Report.pdf);
- TIAA-CREF Institute, *Defined Contribution Pension Plans in the Public Sector: A Best Practice Benchmark Analysis*, April 2008 (<a href="http://www.tiaa-crefinstitute.org/research/articles/042408.html">http://www.tiaa-crefinstitute.org/research/articles/042408.html</a>); and
- The Pew Center on the States, *Promises with a Price*, *Public Sector Retirement Plans*, December 2007 (<a href="http://www.pewtrusts.org/uploadedFiles/wwwpewtrustorg/Reports/State">http://www.pewtrusts.org/uploadedFiles/wwwpewtrustorg/Reports/State</a> policy /pension report.pdf).

#### **75TH SESSION CONTACT**

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### HEALTH CARE AND HEALTH INSURANCE

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## Issues Concerning the Nevada Medicaid Program

Advocates for poor and low-income persons continually campaign for Medicaid expansions that would increase the number of people who are eligible for Medicaid or that would expand the types of services that are provided through the program. **Expansion** include providing "presumptive eligibility" to certain persons, so they may receive immediate services while awaiting a formal determination of eligibility; easing asset and income requirements for senior citizens who need long-term care assistance; and having a "Medically Needy" Medicaid "Categorically program rather than a Eligible" Medicaid program.

In 2005, the Legislature passed legislation requiring the Department of Health and Human Services (DHHS) to apply for a

Medicaid Health Insurance Flexibility and Accountability (HIFA) waiver to provide health care benefits through Medicaid for certain pregnant women and people with high medical expenses who are ineligible for Medicaid, and to provide a \$100 subsidy per month toward an insurance policy purchased by employees or spouses under certain circumstances. As August 2008, the HIFA waiver provided insurance subsidies to 3 adults and covered 94 pregnant women. However, due to budget constraints, the Division Health Care Financing and Policy proposed Fiscal Year 2010-2011 budget eliminates the HIFA waiver.

In addition, the Legislature maintains its ongoing implementation and oversight of the State strategic plan under *Olmstead*, which is a federal case requiring states to ensure that persons who need long-term nursing care or assistance due to a disability are placed in the least restrictive environment feasible for their care.

#### Issues Concerning the Hepatitis C Investigation

In December 2007, the Southern Nevada Health District (SNHD) became aware of an acute case of Hepatitis C that did not have risk factors typically associated with the disease. A second case of acute Hepatitis C was identified soon after. A common factor

was identified, as both cases had received endoscopy procedures in a single ambulatory surgery center (ASC). The State Epidemiologist (Health Division, DHHS), the Centers for Disease Control and Prevention (CDC), and the Bureau of Health Care Quality and Compliance (BHCQC) (formerly the Bureau of Licensure and Certification, DHHS) was notified as the responsible agency for licensing and regulating ASCs. A full-scale investigation began on January 9, 2008, continuing through January 17, 2008, at the Endoscopy Center. The investigative team included staff from the SNHD, BHCQC, and the CDC.

Following the completion of the inspection of the Endoscopy Center on January 17, 2008, the BHCQC issued a "Statement of Deficiencies" on February 4, 2008, which identified concerns related to injection safety, reuse of disposable equipment, and improper disinfectant techniques; a corrective action plan was requested at that time, however, all concerns were considered abated prior to the departure of the investigation team.

The BHCQC began to review additional ASCs in the weeks following the review of the Endoscopy Center. Based on concerns identified through the subsequent facility inspections, a decision was made to inspect all ASCs as rapidly as possible. The DHHS requested assistance from the CDC and the Center for Medicare/Medicaid Services (CMS) to complete the inspections as rapidly as possible. The CDC responded and sent four Infectious Disease Specialists to assist the BHCQC and CMS responded by providing assistance in overtime costs and help in maintaining other BHCQC workload.<sup>1</sup>

This incident prompted numerous calls to strengthen the coordinated actions of various public agencies that have statutory responsibilities for some aspects of a public health emergency and communications with other health care providers and the public.

#### LIST OF BILL DRAFT REQUESTS

BDR	Requester	Subject
38-210	Legislative Committee on	Revises provisions relating to Medicaid and the
<b>SB 4</b>	Health Care	Children's Health Insurance Program.
54-216	Legislative Committee on	Revises provisions relating to health care
SB 8	Health Care	professional licensing boards.
38-450	Clark County	Requires the Director of the Department of
SB 24		Health and Human Services to include in the State
		Plan for Medicaid a program to provide a
		preliminary determination of eligibility under the
		Supplemental Security Income Program to receive
		Medicaid benefits.

Research Division, Legislative Counsel Bureau Supplement to the 2008-2009 Policy and Program Report January 2009

<sup>&</sup>lt;sup>1</sup> Hepatitis C and Ambulatory Surgical Centers, April 2008, Michael J. Willden. Director, Department of Health and Human Services.

BDR	Requester	Subject
40-169	Senator Horsford	Revises the provisions requiring inspections of
SB 70		ambulatory care centers and in-office physician
		clinics.
S-212	Legislative Committee on	Makes appropriations relating to health care.
<b>AB</b> 7	Health Care	
40-219	Legislative Committee on	Establishes certain protections for nurses.
<b>AB 10</b>	Health Care	
40-214	Legislative Committee on	Revises provisions relating to public health.
<b>AB 112</b>	Health Care	
40-215	Legislative Committee on	Revises provisions relating to medical facilities.
<b>AB 123</b>	Health Care	
40-68	Assemblywoman Gansert	Makes various changes concerning surgical
		centers.
54-217	Legislative Committee on	Revises provisions relating to the discipline of
	Health Care	certain health care professionals.
218	Assembly Committee on Health	Revises provisions relating to health care
	and Human Services	professional licensing boards.
54-220	Legislative Committee on	Revises provisions relating to professional
	Health Care	licensing boards and professional licenses.

#### 75TH SESSION CONTACTS

#### Governor's Office for Consumer Health Assistance

Website: http://govcha.state.nv.us/ Website: http://rxhelp4nv.org / Toll-free Telephone: (888) 333-1597

#### Nevada's Department of Health and Human Services

Website: http://dhhs.nv.gov/ Telephone: (775) 684-4000

#### **Health Division**

Website: http://health2k.state.nv.us/

Telephone: (775) 684-4200

#### **Aging Services Division**

Website: http://www.nvaging.net

Carson City E-mail: dascc@aging.nv.gov Telephone: (775) 687-4210 Elko E-mail: daselko@aging.nv.gov Telephone: (775) 738-1966 Las Vegas E-mail: lasvegas@aging.nv.gov Telephone: (702) 486-3545 Reno E-mail: dasreno@aging.nv.gov Telephone: (775) 688-2964 MAIN POLICY TOPIC: HEALTH AND HUMAN SERVICES

#### **Division of Welfare and Supportive Services**

Website: http://dwss.nv.gov/ Telephone: (775) 684-0500

#### **Division of Welfare and Supportive Services Field Offices**

Website: http://dwss.nv.gov/index.php?option=com content&task=view&id=122&Itemid=319

Welfare Customer Service

Voice Response Telephone: (800) 992-0900

#### Senior Rx

Website: http://dhhs.nv.gov/SeniorRx.htm

Telephone: (775) 687-7555

Toll-free Telephone from outside Reno-Carson City-Gardnerville area: (866) 303-6323

#### Nevada Medicaid

Website: http://dhcfp.state.nv.us/

Telephone: (775) 684-3676

#### Nevada Check-Up

Website: http://www.nevadacheckup.state.nv.us/ Toll-free Telephone in state: (877) 543-7669 Toll-free Telephone out of state: (800) 360-6044

#### Division of Insurance, Department of Business and Industry

Website: http://doi.state.nv.us/

Carson City Office Telephone: (775) 687-4270 Las Vegas Office Telephone: (702) 486-4009

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The most prominent issue related to human services in Nevada is the impact of the national economic downturn on the state funding for human services programs, and the increased demand for assistance through those programs brought about the economic recession. According to the Department of Health and Human Services (DHHS), the State Budget Office established a target for DHHS of \$920 million per year in General Funds. General Fund expenses in Fiscal Year 2009 are projected to be approximately \$1,050,000,000 (one billion, 50 million dollars). This means DHHS budgets need to be reduced by approximately \$130 million per year in General Fund expenses before caseload growth mandatory inflation are accounted for.

In addition to major cuts to Medicaid and other health-related programs, to reach the \$920 million-a-year target, major budget

reductions to general human services programs will be deliberated during the 2009 Session. These include eliminating General Funds for the Nevada 2-1-1 system; and reductions to the Divisions of Child and Family Services, Mental Health and Developmental Services, and Welfare and Supportive Services.



#### MAIN POLICY TOPIC: HEALTH AND HUMAN SERVICES

#### ADDITIONAL RESOURCES

- Department of Employment, Training and Rehabilitation: http://detr.state.nv.us/
- Department of Health and Human Services: http://dhhs.nv.gov/
- Division of Child and Family Services: http://www.dcfs.state.nv.us/
- Division of Welfare and Supportive Services: http://dwss.nv.gov/
- Division of Mental Health and Developmental Services: http://mhds.state.nv.us/
- Substance Abuse Prevention and Treatment Agency: http://mhds.nv.gov/index.php?option=com content&task=view&id=108&Itemid=95
- Clark County Department of Family Services: http://www.accessclarkcounty.com/depts/ family services
- Washoe County Department of Social Services: http://www.co.washoe.nv.us/socsry/socsry.html

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The 2009 Legislature will consider measures proposed by the Interim Study on Issues Relating to Senior Citizens and Veterans, which was a subcommittee of the Legislative Commission created pursuant to Assembly Concurrent Resolution No. 35 (File No. 109, *Statutes of Nevada 2007*). The Subcommittee met six times to evaluate, review, and comment upon issues relating to senior citizens and veterans, including:

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

During the Subcommittee's final meeting on June 19, 2008, the members conducted a work session and voted submit to five bill draft requests (BDRs) to the 75th Legislative Session, four of which relate specifically to senior citizens. Additionally, the members voted to send 13 letters to various entities and voted to include numerous statements in the Subcommittee's report expressing their support or concern for certain topics.

Subcommittee information, such as the work session document that includes all of the recommendations considered and the minutes of the meetings, can be found http://www.leg.state.nv.us/74th/Interim/Studie s/SeniorCitizens/index.cfm?CommitteeName= %20Issues %20Relating %20to %20SeniorCitize ns %20and %20 Veterans. The Subcommittee's final report, Legislative Counsel Bureau Bulletin No. 09-04, Senior Citizens and Veterans, January 2009, is available at http://www.leg.state.nv.us/lcb/research/Inter imReports/2009InterimReports/Bulletin09-04 .pdf.

### LIST OF BILL DRAFT REQUESTS

BDR	Requester	Subject
38-98	Legislative Commission's	Provides for registry of information relating to
AB 8	Subcommittee to Study Issues	cases of abuse, neglect, isolation or exploitation
	Relating to Senior Citizens and	of older persons.
	Veterans	
17-97	Legislative Commission's	Provides for an ongoing statutory committee to
AB 9	Subcommittee to Study Issues	study issues concerning certain adult populations
	Relating to Senior Citizens and	with special needs.
	Veterans	
40-99	Legislative Commission's	Makes various changes concerning licensing of
AB 111	Subcommittee to Study Issues	residential facilities for groups and homes for
	Relating to Senior Citizens and	individual residential care.
	Veterans	
38-331	Aging Services Division,	Revises provisions governing the program for
SB 64	Department of Health and	Property Tax Assistance for Senior Citizens.
D 707	Human Services	
R-785	Senate Committee on	SJR: Urges Congress to fully fund and protect
	Legislative Operations and Elections	Medicare funding for seniors.
10 100		Desires and ideas accoming a series and for
10-100	Legislative Commission's Subcommittee to Study Issues	Revises provisions governing requirements for
	Relating to Senior Citizens and	licensure by the Bureau of Licensure and Certification.
	Veterans	Certification.
38-104	Senator Woodhouse	Increases maximum amount of property tax
30 101	Schutor Woodinouse	assistance for certain eligible senior citizens.
122	Assemblywoman McClain	Revises cooperative extension programs to
	1135Cinoty Woman 1110 Ciain	provide services for senior citizens.
123	Assemblywoman McClain	Makes various changes concerning small business
	, and the second	start-ups for veterans and senior citizens.
275	Assemblywoman Parnell	Makes an appropriation for nonprofit programs
	-	that provide assistance to seniors and respite care.
509	Assemblywoman Leslie	Creates a pilot PACE program in Washoe County
		to allow seniors more options to live independently.
525	Assemblyman Horne	Proposes sales tax exemption for certain medical
		devices for senior citizens.
58-712	Assemblyman Munford	Requires video service providers to provide
		discounted rates to senior citizens with a low
		income.

#### ADDITIONAL RESOURCES

- The final report of the Legislative Commission's Subcommittee to Study Issues Relating to Senior Citizens and Veterans, Bulletin No. 09-04, is available at <a href="http://www.leg.state.nv.us/lcb/research/InterimReports/2009InterimReports/Bulletin09-04.pdf">http://www.leg.state.nv.us/lcb/research/InterimReports/2009InterimReports/Bulletin09-04.pdf</a>. Information about the Subcommittee, including meeting agendas, minutes, and summary of recommendations, is available at <a href="http://www.leg.state.nv.us/74th/Interim/Studies/SeniorCitizens/index.cfm?CommitteeName=%20Issues%20Relating%20to%20Senior%20Citizens%20and%20Veterans">http://www.leg.state.nv.us/74th/Interim/Studies/SeniorCitizens/index.cfm?CommitteeName=%20Issues%20Relating%20to%20Senior%20Citizens%20and%20Veterans</a>.
- The Cannon Survey Center, University of Nevada, Las Vegas, conducted interviews with more than 5,000 individuals over the age of 50 in Nevada over two years and produced *Portrait of Nevada's Seniors: A Two-Year Study, 2006-2008*, which is available at <a href="http://surveys.unlv.edu/pdfs/2008Portrait%20of%20Nevadas%20Seniors.pdf">http://surveys.unlv.edu/pdfs/2008Portrait%20of%20Nevadas%20Seniors.pdf</a>.
- The Sanford Center for Aging, University of Nevada, Reno, received a grant from Nevada's Department of Health and Human Services to produce a report containing national and state demographic and statistical information on key health indicators relating to Nevada senior citizens. The final publication, *Elders Count Nevada: Key Health Indicators for Nevada's Elders* 2007, is available at <a href="http://www.unr.edu/sanford/documents/EldersCountReport07.pdf">http://www.unr.edu/sanford/documents/EldersCountReport07.pdf</a>.
- 2-1-1 is a telephone number that anyone can dial for information and referrals to services for everything from basic needs to any health and human service program. An online database containing links to helpful information about services is also available at the Nevada 2-1-1 Website at <a href="http://www.nevada211.org/">http://www.nevada211.org/</a>.

#### **75TH SESSION CONTACTS**

- AARP: http://www.aarp.org
- Advocates for Elders: Las Vegas (702-486-3545) and Reno (775-688-2964)
- Aging Services Division, DHHS: 775-687-4210 or 702-486-3545; http://www.nvaging.net
- Aging Services Division, DHHS, Local Offices: Carson City (775-687-4210);
   Reno (775-688-2964); Elko (775-738-1966); and Las Vegas (702-486-3545)
- Benefits Check Up—a Service of National Council on Aging: <a href="http://www.benefitscheckup.com">http://www.benefitscheckup.com</a>
- Centers for Medicare and Medicaid Services: http://www.cms.hhs.gov

#### MAIN POLICY TOPIC: HEALTH AND HUMAN SERVICES

- Crisis Call Center: (800) 992-5757
- "Do Not Call" Registry: <a href="http://www.donotcall.gov">http://www.donotcall.gov</a> or (888) 382-1222; (866) 290-4236 TDD
- Elders Count Nevada: Key Health Indicators for Nevada's Elders 2007 A publication of the Sanford Center for Aging, in partnership with Nevada's Health Division and Aging Services Division: http://www.unr.edu/sanford/documents/EldersCountReport07.pdf
- Nevada Aging and Disability Resource Center: http://www.nevadaadrc.com/
- Nevada Care Connection: One-stop access. Help for caregivers: <a href="http://nevadacareconnection.org/">http://nevadacareconnection.org/</a>
- Nevada Legislative website: http://www.leg.state.nv.us
- Official website for people with Medicare: http://www.Medicare.gov
- SeniorNet—Senior Net's mission is to provide older adults education for and access to computer technologies to enhance their lives and enable them to share their knowledge and wisdom: http://www.seniornet.org
- Senior Citizens' Protective Services: (775) 688-2964 or (702) 455-8672
- Thomas—Federal Legislative Information on the Internet: http://thomas.loc.gov/
- Administration on Aging, United States Department of Health and Human Services: http://www.aoa.gov
- Nevada 2-1-1: http://www.nevada211.org/ or dial 2-1-1 on any telephone within Nevada

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### **NEVADA'S COURT SYSTEM**

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## ISSUES FOR THE 2009 LEGISLATIVE SESSION

Significant population growth in Nevada over the last several decades has placed an enormous strain on the State's Court System. Each year brings an increased number of cases to the courts at all levels. Judges and their staffs are continually faced with striking a balance between a rising caseload and limited resources. Efforts to add judges at both the limited and general jurisdiction levels were made in recent years, as was the increased use of specialty courts to distribute the caseloads more effectively. the number of cases per judge continues to grow. In 2009, the Legislature will be asked to consider proposals that will increase the number of certain judges, add an additional judicial district, and make other various changes to the court system.

One area that received attention during the 2007-2008 Interim was indigent defense.

The Indigent Defense Commission was created by the Supreme Court in April 2007 to study issues concerning the right to counsel for indigent defendants in criminal and juvenile delinquency cases throughout Nevada. Commission The made recommendations to the Supreme Court on performance and caseload standards. independence of the defense function from the judiciary, and the defense system in rural Although the Commission is Nevada. refining these currently standards revisiting the issue in rural Nevada through a Subcommittee, one of its recommendations has been submitted by the Association of Counties for consideration by the Legislature.

Business courts, known as Courts Chancery, were created in 2000 by court rule in the Second Judicial District Court in Washoe County and Eighth Judicial District Court in Clark County. During the 2007-2008 Interim, the Legislative Commission's Subcommittee to Study the Benefits. Feasibility Costs. and the Implementation of Courts of Chancery in Nevada studied the benefits, costs, and feasibility of the implementation of Courts of Chancery in the State of Nevada. Among the Subcommittee's recommendations is a bill draft request (BDR) that will be considered by the Legislature in 2009.

#### LIST OF BILL DRAFT REQUESTS

BDR	Requester	Subject
1-179	Legislative Commission's	Provides for the publication of business court
<b>SB 5</b>	Subcommittee to Study the	opinions under certain circumstances.
	Benefits, Costs, and Feasibility	
	of the Implementation of Courts	
	of Chancery in Nevada	
14-397	Nevada's Supreme Court	Revises requirement for use of court reporters in
SB 34		Justice Court proceedings.
20-457	Nevada Association of Counties	Removes restriction on use of the State Public
AB 45		Defender's Office to provide indigent defense
		services in larger counties and requires the State
		to fully fund indigent defense services.
14-409	Nevada's Supreme Court	Increases judicial discretion in sentencing for
AB 47		specialty courts and the deferral and sealing
		of records.
1-398	Nevada's Supreme Court	Clarifies provisions relating to Justice Court
AB 63		referees and allows for use of hearing masters in
		Justice Court.
1-371	Nevada's Supreme Court	Increases the number of judges in the Second and
AB 64		Eighth Judicial Districts.
2-372	Nevada's Supreme Court	Provides for the collection and disposition of
AB 65		additional court fees.
15-410	Nevada's Supreme Court	Enacts the 2009 Judicial Branch Security Act.
AB 99		
193	Senate Committee on Judiciary	Makes various changes regarding sealing of
		records upon conviction of a crime.
654	Assembly Committee on	Makes various changes concerning specialty
	Judiciary	courts.
767	Senator McGinness	Provides for the realignment of certain judicial
		districts.

#### ADDITIONAL RESOURCES

Nevada's Supreme Court offers a considerable amount of information and various documents through its website at www.nvsupremecourt.us.

Minutes, recommendations, and the final report of the Legislative Commission's Subcommittee to Study the Benefits, Costs, and Feasibility of the Implementation of Courts of Chancery in Nevada (Assembly Concurrent Resolution No. 35, File No. 109, *Statutes of Nevada 2007*), which met during the 2007-2008 Interim, are available online at www.leg.state.nv.us/74th/Interim.

#### 75TH SESSION CONTACTS

#### **Nevada's Supreme Court**

The Honorable James W. Hardesty, Chief Justice

Telephone: (775) 684-1590

#### **Administrative Office of the Courts (AOC)**

Ron Titus, Court Administrator Telephone: (775) 684-1700

#### **Rural Courts**

John McCormick, Coordinator (AOC)

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# CRIMINAL JUSTICE IN NEVADA PART I — OVERVIEW

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recommendations

## ISSUES FOR THE 2009 LEGISLATIVE SESSION

Evaluating and modifying the criminal laws of Nevada is a regular responsibility of the Legislature. In recent years, common topics have included the administration of justice, the Central Repository for Nevada Records of Criminal History, corrections, criminal law and procedure, identity theft, parole and probation, and technology crimes. In 2009, these will again be the subject of several measures.

Legislation in 2007 also assigned additional responsibilities to the Advisory Commission on the Administration of Justice (formerly the Advisory Commission on Sentencing). The Commission met regularly throughout the 2007-2008 Interim and will forward a



### LIST OF BILL DRAFT REQUESTS

BDR	Requester	Subject
15-264	Attorney General	Clarifies requirements and procedures for
AB 27		obtaining a Nevada identity theft passport.
14-271	Attorney General	Requires courts to transmit records relating to the
<b>AB 46</b>		involuntary commitment or other adjudication of
		a person with a mental illness to the Central
		Repository for Nevada Records of Criminal
		History at the Department of Public Safety.
14-314	Department of Public Safety	Makes various changes related to the Central
AB 81		Repository for Nevada Records of Criminal
17.010	55.11.66	History.
15-313	Department of Public Safety	Changes the elements of the crime of assault to
AB 93		include use of force, attempted use of force or
16.604	Assemble Company uses	force with a deadly weapon.
16-624		Makes various changes concerning compensation
AB 114	Judiciary (on behalf of the Advisory Commission on the	to victims of crime.
	Administration of Justice)	
16-630		Makes various changes concerning parole.
AB 117	Corrections, Parole, and	wakes various changes concerning paroie.
110 117	Probation (on behalf of the	
	Advisory Commission on the	
	Administration of Justice)	
15-625	Assembly Committee on	Makes various changes concerning orders for
AB 120	Judiciary (on behalf of the	protection of certain victims.
	Advisory Commission on the	
	Administration of Justice)	
14-272	Attorney General	Repeals provision making conviction or acquittal
SB 35		of a public offense in another state, territory or
		country a bar to prosecution in this State.
9	Assemblyman Ohrenschall	Revises provisions regarding criminal law and
	G , W'	procedure.
72	Senator Wiener	Revises certain provisions concerning identity
15 051	A see male la see on TT see on	theft.
15-251	Assemblyman Horne	Revises provisions governing the crime of
16 621	Assambly Committee on	battery.  Makes various changes concerning criminal
16-631	Assembly Committee on Corrections, Parole, and	offenders.
	Probation (on behalf of the	offenders.
	Advisory Commission on the	
	Administration of Justice)	
	Administration of Justice)	

BDR	Requester	Subject
772	Assemblywoman Parnell	Revises provisions governing identity theft.
903*	Assembly Committee on	Revises provisions governing the administration
	Judiciary (on behalf of the	of justice.
	Advisory Commission on the	
	Administration of Justice)	
949	Senate Majority Leader	Makes various changes concerning criminal
		offenders.
950	Senate Majority Leader	Revises provisions governing the State Board of
		Parole Commissioners.

<sup>\*</sup>There are several bill draft requests concerning the administration of justice. Request No. 903 is provided in this list as an example.

#### ADDITIONAL RESOURCES

Information concerning the Advisory Commission on the Administration of Justice and its subcommittees is available at <a href="https://www.leg.state.nv.us/74th/Interim">www.leg.state.nv.us/74th/Interim</a>.

#### 75TH SESSION CONTACTS

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Records and Technology Division, DPS

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Jennifer Chisel

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# CRIMINAL JUSTICE IN NEVADA PART II — SEX OFFENDERS

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### ISSUES FOR THE 2009 LEGISLATIVE SESSION

The Nevada Legislature adopted the federal Adam Walsh Child Protection and Safety Act of 2006 (Adam Walsh Act) during the 2007 Session Assembly Bill 579 in (Chapter 485, Statutes of Nevada) and Senate Bill 471 (Chapter 528, Statutes of Nevada). Those provisions were set to go into effect on July 1, 2008, making Nevada one of the first states to implement the Adam Walsh Act. Prior to the July implementation date, several lawsuits were filed in an attempt to stop the Adam Walsh Act from becoming law in Nevada.

On April 15, 2008, the Honorable William O. Voy, Eighth Judicial District Court, Family Division - Juvenile, declared the provisions of A.B. 579 and S.B. 471, as applied to juvenile sex offenders, unconstitutional. Nevada's Supreme Court

dismissed Clark County's appeals stating that Judge Voy's decision is not a final judgment and, therefore, the Supreme Court lacks jurisdiction to hear the appeals. The juvenile cases will be sent back to Judge Voy's court for further proceedings.

On June 26, 2008, the Honorable David Wall, Eighth Judicial District Court, Department 20, granted a preliminary injunction to stay the implementation of the new sex offender provisions within Clark County. Judge Wall ordered additional briefing by the parties and at this time, the preliminary injunction is still in effect.

On June 30, 2008, the Honorable James Mahan, United States District Court, Las Vegas, granted a preliminary injunction to stay the implementation of the new sex offender provisions for the entire State of Nevada. Further hearing on the matter was resolved by Judge Mahan's October 7, 2008, order granting a permanent injunction. The Judge ruled that the provisions of A.B. 579



MAIN POLICY TOPIC: JUSTICE SYSTEM

and S.B. 471 could not be applied retroactively; however, he declined to rule on whether the law may be applied to those convicted of sex offenses in the future since that issue is pending in Judge Wall's court. The Nevada Attorney General's Office filed a Notice of Appeal challenging Judge Mahan's ruling.

With these three pending lawsuits, it appears that Nevada's sex offender laws remain unchanged and the provisions of A.B. 579 and S.B. 471 cannot be implemented or enforced by law enforcement. It is anticipated that the 2009 Nevada Legislature will revisit these issues and the bill draft requests (BDRs) that appear to be directly related to sex offender laws are listed below.

#### LIST OF BILL DRAFT REQUESTS

BDR	Requester	Subject
14-259	Attorney General	Revises the provisions governing sex offender
<b>AB 85</b>		registration and notification requirements.
14-69	Assemblyman Grady	Makes various changes concerning persons who
	By Request	commit certain sexual offenses against pupils or
		students.
-177	Assemblyman Horne	Makes certain changes concerning persons who
		commit certain sexual offenses.
-524	Assemblyman Horne	Revises provisions governing registration
		requirements for convicted sex offenders.
-880	Assemblywoman Woodbury	Increases the penalties for committing certain
		sexual or violent crimes against children.

#### 75TH SESSION CONTACTS

#### **Office of the Attorney General**

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Keith Munro, Assistant Attorney General and Legislative Liaison

James T. Spencer, Chief of Staff

Wayne Howle, Solicitor General, Bureau of Government Affairs

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**Department of Corrections** 

Records and Technology Division, DPS Howard Skolnik, Director P.K. O'Neill, Chief

Telephone: (775) 887-3216 Telephone: (775) 684-6262

**Department of Public Safety (DPS)** 

Division of Parole and Probation, DPS Jerry Hafen, Director Bernard W. Curtis, Chief Telephone: (775) 684-4556 Telephone: (775) 684-2600

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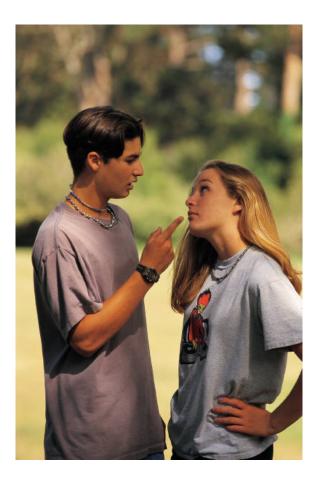
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ISSUES FOR THE 2009 LEGISLATIVE SESSION

Juvenile justice is considered in each legislative session. In recent years, lawmakers have established and strengthened penalties for juvenile crime, and have considered necessary modifications to existing penalties and the role of the Juvenile Court.

During the 2007-2008 Interim, the issue of juvenile justice in Nevada was studied by the Advisory Commission on the Administration of Justice, which was charged with the task of evaluating the juvenile justice system by the Legislature in 2007. The Commission established a Subcommittee on Juvenile Justice, which has made specific recommendations.

In 2009, juvenile justice will again be considered with the introduction of several measures.



MAIN POLICY TOPIC: JUSTICE SYSTEM

## LIST OF BILL DRAFT REQUESTS

BDR	Requester	Subject
17-213	Legislative Committee on	Creates the Legislative Committee on Child
SB 3	Health Care	Welfare and Juvenile Justice.
5-407	Nevada's Supreme Court	Revises provisions relating to the financial
SB 85		support of regional facilities for the detention of
		children.
5-361	Division of Child and Family	Revises provisions governing the removal and
SB 86	Services, Department of Health	placement of children in foster care.
	and Human Services	
14-626	Senator Horsford	Creates a permanent Subcommittee on Juvenile
SB 113		Justice of the Advisory Commission on the
		Administration of Justice.
15-85	Assemblywoman Parnell	Revises provisions governing policies and
		penalties for criminal gang activities.
522	Assemblyman Christensen	Makes various changes relating to gang activity.
627	Senator Horsford	Creates an interdisciplinary committee to address
		issues related to juveniles.
5-825	Assembly Committee on	Revises provisions governing the presumptive
	Judiciary	certification of certain juveniles as adults.
834	Assemblyman Denis	Revises provisions governing juvenile justice.

## ADDITIONAL RESOURCES

Information concerning the Advisory Commission on the Administration of Justice and its Subcommittee on Juvenile Justice is available at <a href="https://www.leg.state.nv.us/74th/Interim">www.leg.state.nv.us/74th/Interim</a>.

## **75TH SESSION CONTACTS**

## **Department of Health and Human Services**

Division of Child and Family Services Diane J. Comeaux, Administrator

Telephone: (775) 684-4400

Juvenile Justice Services Administrative Office

Telephone: (702) 486-5095

Juvenile Justice Services

**Programs Office** 

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## ISSUES FOR THE 2009 LEGISLATIVE SESSION

The area of family law includes a variety of topics such as marriage, divorce, child custody, child support and visitation, parentage, and adoption. Domestic violence is also an important issue in the



field of family law. Each session the Nevada Legislature considers measures to address the evolving nature of this topic and 2009 is no exception. There are several bill draft requests that appear to deal with some aspect of domestic violence as well as marriage, child custody, and child support.

## 75TH SESSION CONTACTS

## **Department of Health and Human Services**

Michael J. Willden, Director Telephone: (775) 684-4000

## **Division of Child and Family Services**

Diane J. Comeaux, Administrator Telephone: (775) 684-4400

## **Division of Welfare and Supportive Services**

Romaine Gilliland, Administrator

Louise Bush, Chief, Child Support Enforcement Program

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MAIN POLICY TOPIC: JUSTICE SYSTEM

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## GENERAL ENVIRONMENTAL ISSUES AND MATTERS CONCERNING LAKE TAHOE

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## ISSUES FOR THE 2009 LEGISLATIVE SESSION

The quality of air and water are primary environmental issues that are often addressed from multiple perspectives relevant to the conservation and preservation of natural resources, economic impact, and public health. Air quality in homes, schools, and streets will be the focus of bill drafts requested for the 2009 Session by raising awareness of indoor toxic mold, toxic cleaning products in schools, and vehicle emissions. Numerous bill drafts have been requested relevant to the conservation, importation, inventory, and quality of water.

Recycling of items ranging from consumer electronics to motor vehicle tires will be considered during the 2009 Session. There

are at least six bill drafts requested that may relate to recycling.

Nevada's Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency (TRPA) and the Marlette Lake Water System is a permanent committee the Nevada Legislature ofwhose authorization is set forth in Nevada Revised Statutes (NRS) 218.53871. The committee met throughout the 2007-2008 Interim and considered issues such as invasive species, climate change, Nevada's ongoing participation in the Environmental Improvement Program (EIP), and wildfires. The committee sponsored a bill draft request (BDR). which has been prefiled Assembly Bill 18, to renew the authorization for the issuance of General Obligation Bonds (GOBs) up to \$100 million and provide for legislative appropriations for the next decade from July 1, 2009, to June 30, 2019. 2009 legislation also includes a specific request for the sale of \$4.42 million in GOBs to carry out Nevada's portion of the EIP for the 2009-2011 Biennium.



## LIST OF BILL DRAFT REQUESTS

BDR	Requester	Subject
R-237	Legislative Committee to	SCR: Encourages entities that are engaged in
SCR 2	Oversee the Western Regional	water quality monitoring to coordinate
	Water Commission	certain activities.
40-360	State Department of	Establishes authority to award subgrants from the
SB 37	Conservation and Natural	Drinking Water State Revolving Fund, Wellhead
	Resources	Protection and Clean Water Act Nonpoint
		Source programs.
42-444	Office of the Governor	Provides for uniform defensible space guidelines
SB 94		in the Lake Tahoe Basin and requires evaluation
~ ~ ~ ~		of funding for certain fire protection efforts.
S-375	Legislative Committee for the	Authorizes the issuance of bonds for
AB 18	Review and Oversight of the	environmental improvement projects for
	Tahoe Regional Planning	Lake Tahoe for 2009-2019.
	Agency and the Marlette Lake Water System	
47-439	State Department of	Requires the Nevada Tahoe Regional Planning
AB 75	Conservation and Natural	Agency to submit annual status reports on critical
AD 13	Resources	issues relating to the agency's progress, activities
	Resources	and management to the Governor, Legislature and
		Congressional Delegation.
40-5	Assemblyman Ohrenschall	Makes various changes concerning regulation of
		air quality and motor vehicle emissions standards.
53	Assemblyman Oceguera	Makes various changes concerning transactions of
	-	scrap metal.
66	Assemblyman Ohrenschall	Revises provisions regarding the sale of certain
		recyclable materials.
238	Legislative Committee to	Makes an appropriation to the Truckee River
	Oversee the Western Regional	Flood Project to support ecosystem restoration
	Water Commission	activities.
466	Assemblywoman Pierce	Establishes a state e-recycling program for
~		consumer electronics.
S-503	Legislative Committee on	Makes an appropriation to the State Engineer to
	Public Lands	develop a hydrologic database for water basins
D 550	A 11 G:	in Nevada.
R-573	Assemblyman Stewart	ACR: Designates September 2009 as National
40.600	A complete man IV com	Indoor Toxic Mold Awareness Month.
48-680	Assemblyman Hogan	Revises provisions relating to conservation
		of water.

BDR	Requester	Subject
732	Assemblyman Goicoechea	Requires the completion of an inventory of an
		entire water basin before consideration of an
		interbasin transfer.
739	Senator Copening	Requires recycling of motor vehicle tires.
40-741	Senator Breeden	Requires recycling containers in certain locations.
34-742	Senator Copening	Requires school districts to transition to using
		non-toxic cleaning products.
821	Assemblyman Claborn	Makes various changes to the emissions
		inspection of vehicles powered by diesel fuel.
849	Senate Committee on Natural	Provides for study of economic impact of water
	Resources	importation projects and development of a
		sensible water strategy.
933	Senator Woodhouse	Revises provisions governing the sale of certain
		beverage containers.

## ADDITIONAL RESOURCES

The bulletins, or final reports, of the interim committees and studies, including the Legislative Committee for the Review and Oversight of the TRPA and the Marlette Lake Water System will be accessible through the following website as they are completed. The Research Library may also be reached by telephone: (775) 684-6827.

http://www.leg.state.nv.us/lcb/research/InterimReports/2009InterimReports/2009intstudy.cfm

## 75TH SESSION CONTACTS

The following list contains some of the State agencies and interested parties that appear before legislative committees on issues relevant to the environment and Lake Tahoe. This list is not comprehensive, as there are many other groups and individuals who have an interest in these issues; the list merely represents some of those who regularly appear to offer insight and comment.

## **State Department of Conservation and Natural Resources**

Allen Biaggi, Director

Kay M. Sherer, Deputy Director Telephone: (775) 684-2700

### **Division of Environmental Protection**

State Department of Conservation and Natural Resources

Leo Drozdoff, P.E., Administrator

Telephone: (775) 687-4670

## **Division of Water Resources**

State Department of Conservation and Natural Resources Tracy Taylor, P.E., State Engineer

Telephone: (775) 684-2800

## **Tahoe Regional Planning Agency**

John Singlaub, Executive Director

Julie W. Regan, Communications and Legislative Affairs Chief

Telephone: (775) 588-4547

## League to Save Lake Tahoe

Rochelle Nason, Executive Director

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## **North Lake Tahoe Resort Association**

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# PUBLIC LANDS AND GENERAL NATURAL RESOURCE ISSUES

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### ISSUES FOR THE 2009 LEGISLATIVE SESSION

With over 87 percent of Nevada's land managed by agencies of the federal government, the subjects of public lands and associated natural resource management and other general natural resource matters play a significant role in every Legislative Session. The 2009 Session will be no exception. Nevada's Legislative Committee on Public Lands serves as the primary interim legislative body responsible for reviewing and commenting on proposed and existing laws and regulations that affect the 61 million acres of federally managed land in Nevada. The Committee also typically monitors and makes recommendations concerning livestock grazing, mining, noxious weeds, recreation, wilderness, and wildlife, all of which are subjects identified on the bill draft request (BDR) list for consideration in 2009.

## LIST OF BILL DRAFT REQUESTS

BDR	Requester	Subject
50-26	Senator Townsend	Clarifies provisions prohibiting cruelty to
		animals.
53	Assemblyman Oceguera	Makes various changes concerning transactions of
		scrap metal.
45-76	Assemblyman Goicoechea	Authorizes the Board of Wildlife Commissioners
		to conduct an additional drawing for big game tags.
94	Assemblywoman Smith	Provides for additional drawing for certain big
		game tags.

BDR	Requester	Subject
50-354 <b>AB 29</b>	State Department of Agriculture	Revises provisions governing the use of money in the Account for License Plates for the Promotion of Agriculture.
49-357	State Department of Agriculture	Revises provisions governing licensure of persons
AB 69		who sell nursery stock.
43-345	Department of Wildlife	Revises statutory requirements for operation of a
AB 73	D ( CM7'1 11'C	vessel towing a person.
45-344	Department of Wildlife	Increases civil penalties for unlawfully killing or
<b>AB 77</b> 40-360	State Department of Concernation	possessing big game mammals.  Establishes authority to award subgrants from the
SB 37	State Department of Conservation and Natural Resources	Drinking Water State Revolving Fund, Wellhead Protection and Clean Water Act Nonpoint Source programs.
49-355 <b>SB 38</b>	State Department of Agriculture	Revises the provisions governing the expiration date of Restricted-Use Pesticide Certifications.
50-356	State Department of Agriculture	Eliminates the annual requirement that the State
SB 39		Department of Agriculture provide proposals for control of invasive species, pests and weeds to counties.
10-497	Legislative Committee on	Revises provisions governing the purchase of a
SB 106	Public Lands	home or improved lot that is adjacent to
		open range.
46-498	Legislative Committee on	Requires the placement of solid markers on
SB 108	Public Lands	mining claims.
50-495	Legislative Committee on	Deletes the provisions that place each state
SB 109	Public Lands	grazing board within the State Department of Agriculture.
49-500	Legislative Committee on	Revises provisions governing the abatement of
SB 110	Public Lands	noxious weeds.
R-496	Legislative Committee on	SCR: Expresses the disapproval of the Nevada
SCR 3	Public Lands	Legislature for certain legal challenges made against the Bureau of Land Management and holders of grazing permits in Nevada.
R-467	Senator Amodei	SCR: Urges all counties to take certain actions to preserve and protect the rights-of-way granted by Congress over public lands not reserved for public uses in Nevada.
R-604	Senate Committee on Natural Resources	SJR: Urges Congress to take certain actions concerning wilderness areas and wilderness study areas.
R-605	Senate Committee on Natural	SCR: Expresses support for the Wildfire
	Resources	Support Group.

BDR	Requester	Subject
110	Assembly Committee on Natural Resources, Agriculture, and Mining	Makes various changes concerning the Wildlife Heritage Trust Account.
156	Senator McGinness	Enacts provisions relating to use and management of Carson Lake and Carson Lake Pasture in Churchill County.
45-258	Assemblyman Goicoechea	Revises the provisions governing the licensing and regulation of wildlife guides and subguides.
50-369	Senator Townsend	Revises provisions governing the treatment of animals.
49-499	Legislative Committee on Public Lands	Revises provisions governing assessments on real property located within a weed control district.
45-512	Assemblyman Bobzien	Provides for the issuance of an apprentice hunting license which allows hunting under the supervision of a mentor hunter.
15-514	Assemblyman Bobzien	Establishes new penalties for illegal dumping on public lands.
45-543	Senator Beers	Provides for regulation by the Department of Agriculture of all animals raised for human consumption.
690	Assemblyman Goedhart	Revises provisions governing distribution of federal money received by Nevada from lease of federal lands.
708	Assembly Committee on Natural Resources, Agriculture, and Mining	Revises provisions regarding wildlife funding.
709	Assemblyman Claborn	Revises provisions governing animal management damage control.
50-717	Assemblywoman Gansert	Revises provisions relating to animal fighting.

## **75TH SESSION CONTACTS**

Please refer to the following Internet websites of various federal and State agencies for additional information and key points of contact:

- Bureau of Land Management (BLM): http://www.blm.gov/
- Humboldt-Toiyabe National Forest: http://www.fs.fed.us/r4/htnf/
- Nevada State Office, BLM: http://www.blm.gov/nv/st/en.html
- Nevada's Division of Environmental Protection: http://ndep.nv.gov/

#### MAIN POLICY TOPIC: PUBLIC LANDS AND NATURAL RESOURCES

- Nevada's Division of Minerals: http://minerals.state.nv.us/
- State Department of Agriculture: http://agri.nv.gov/
- State Department of Conservation and Natural Resources: http://dcnr.nv.gov/
- United States Department of Agriculture: http://www.usda.gov/
- U.S. Department of the Interior: http://www.doi.gov/
- U.S. Fish and Wildlife Service: http://www.fws.gov/
- U.S. Forest Service: http://www.fs.fed.us/

Numerous groups representing the interests of agriculture, the environment, local governments, mining, wildlife, and other issue areas also monitor public lands and natural resource topics. Please contact the Research Division at (775) 684-6825 for a partial listing of these groups and appropriate contact information.

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