

**Summary Bulletin of
Reports of the Legislative Commission
to the 78th Session of the Nevada Legislature**

BULLETIN NO. 15-2



TABLE OF CONTENTS

<u>Bulletin No.</u>	<u>Bulletin Title</u>	<u>Page</u>
15-2	Summary Bulletin of Reports of the Legislative Commission to the 78th Session of the Nevada Legislature	
	Introduction	iii
	Legislative Commission	v
15-3	Committee to Conduct an Interim Study Concerning the Impact of Technology Upon Gaming	1
	a. Assembly Bill 360 (Chapter 508, <i>Statutes of Nevada 2013</i>).....	3
	b. Abstract.....	21
	c. Summary of Recommendation.....	23
15-4	Committee to Conduct an Interim Study Concerning Community Colleges	25
	a. Senate Bill 391 (Chapter 494, <i>Statutes of Nevada 2013</i>).....	27
	b. Abstract.....	31
	c. Summary of Recommendations.....	33
15-5	Task Force on K–12 Public Education Funding	35
	a. Senate Bill 500 (Chapter 500, <i>Statutes of Nevada 2013</i>).....	37
	b. Abstract.....	41
	c. Summary of Recommendations.....	43
15-6	Advisory Commission on the Administration of Justice	47
	a. <i>Nevada Revised Statutes</i> 176.0123.....	49
	b. Abstract.....	51
	c. Summary of Recommendations.....	53
15-7	Legislative Committee on Public Lands	57
	a. <i>Nevada Revised Statutes</i> 218E.510	59
	b. Abstract.....	61
	c. Summary of Recommendations.....	65
15-8	Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System	69
	a. <i>Nevada Revised Statutes</i> 218E.555	71
	b. Abstract.....	73
	c. Summary of Recommendations.....	75

<u>Bulletin No.</u>	<u>Bulletin Title</u>	<u>Page</u>
15-9	Legislative Committee on Education.....	77
	a. <i>Nevada Revised Statutes</i> 218E.605	79
	b. Abstract.....	81
	c. Summary of Recommendations.....	83
15-10	Legislative Committee on Child Welfare and Juvenile Justice	89
	a. <i>Nevada Revised Statutes</i> 218E.705	91
	b. Abstract.....	93
	c. Summary of Recommendations.....	95
15-11	Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs	99
	a. <i>Nevada Revised Statutes</i> 218E.750	101
	b. Abstract.....	103
	c. Summary of Recommendations.....	105
15-12	Legislative Committee on Energy	107
	a. <i>Nevada Revised Statutes</i> 218E.805	109
	b. Abstract.....	111
	c. Summary of Recommendations.....	113
15-13	Sunset Subcommittee of the Legislative Commission	115
	a. <i>Nevada Revised Statutes</i> 232B.210	117
	b. Abstract.....	119
	c. Summary of Recommendations.....	121
15-14	Legislative Committee on Health Care	123
	a. <i>Nevada Revised Statutes</i> 439B.200	125
	b. Abstract.....	127
	c. Summary of Recommendations.....	129
15-15	Committee on High-Level Radioactive Waste.....	139
	a. <i>Nevada Revised Statutes</i> 459.0085.....	141
	b. Abstract.....	143
15-16	Commission on Special License Plates	145
	a. <i>Nevada Revised Statutes</i> 482.367004.....	147
	b. Abstract.....	149
	c. Summary of Recommendations.....	151

BULLETIN NO. 15-2

**SUMMARY BULLETIN OF REPORTS
OF THE LEGISLATIVE COMMISSION TO THE
78TH SESSION OF THE NEVADA LEGISLATURE**

INTRODUCTION

This bulletin summarizes 14 study reports that were completed during the 2013–2014 Interim for consideration by the 2015 Nevada Legislature. The *Summary Bulletin* serves two primary purposes:

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

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

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

The *Summary Bulletin* is a guide to the contents of the regular study reports. For additional information regarding a particular study, interested parties should refer to the bulletin number cited on the initial page of each section. These publications are identified by bulletin number and may be obtained from the Legislative Counsel Bureau's Gift Shop and Publications Office (telephone: 775/684-6835) or on the [Nevada Legislature's](http://www.leg.state.nv.us/Division/Research/Publications/DivStudyLegReport.cfm) website at: <http://www.leg.state.nv.us/Division/Research/Publications/DivStudyLegReport.cfm>.

LEGISLATIVE COMMISSION

Nevada Revised Statutes 218E.150

Members

Assemblywoman Marilyn Kirkpatrick, Chair

Senate

Senator Kelvin D. Atkinson
Senator Moises (Mo) Denis
Senator Ben Kieckhefer
Senator Ruben J. Kihuen
Senator Michael Roberson
Senator James A. Settelmeyer

Assembly

Assemblywoman Teresa Benitez-Thompson
Assemblywoman Irene Bustamante Adams
Assemblyman Ira Hansen
Assemblyman James Oscarson
Assemblyman Lynn D. Stewart

Note: The “Previous Members” represent the composition of the Legislative Commission up until the November 4, 2014, General Election.

Previous Members

Assemblywoman Marilyn Kirkpatrick, Chair
Assemblyman Jason M. Frierson, Vice Chair

Senate

Senator Kelvin D. Atkinson
Senator Moises (Mo) Denis
Senator Ben Kieckhefer
Senator Ruben J. Kihuen
Senator Michael Roberson
Senator James A. Settelmeyer

Assembly

Assemblyman Richard (Skip) Daly
Assemblyman Wesley K. Duncan
Assemblyman Ira Hansen
Assemblyman Lynn D. Stewart

BULLETIN NO. 15-3

**COMMITTEE TO CONDUCT AN INTERIM STUDY CONCERNING
THE IMPACT OF TECHNOLOGY UPON GAMING**

Assembly Bill 360
(Chapter 508, *Statutes of Nevada 2013*)

Members

Assemblyman William C. Horne, Chair
Senator Greg Brower
Senator Justin C. Jones
Senator Tick Segerblom
Assemblywoman Olivia Diaz
Assemblyman Randy Kirner

Nonvoting Members

Peter C. Bernhard, Chairman, Nevada Gaming Commission
A. G. Burnett, Chairman, State Gaming Control Board
Michael Cohen, Representative, Nonrestricted Gaming Licensees
Mark A. Lipparelli, Representative, Manufacturers or Developers of Gaming Technology
Randy Miller, Representative, Restricted Gaming Licensees
Mike Sloan, Representative, Entities Engaged in the Business of Interactive Gaming
Whitney Thier, Representative, Operators of Race Books and Sports Pools

Staff Contacts

Research Division:

Marji Paslov Thomas, Principal Research Analyst
Lisa Gardner, Senior Research Secretary
(775) 684-6825

Legal Division:

Dan Yu, Principal Deputy Legislative Counsel
Bryan Fernley-Gonzalez, Principal Deputy Legislative Counsel
(775) 684-6830

Assembly Bill 360
(Chapter 508, *Statutes of Nevada 2013*)

Assembly Bill No. 360—Assemblymen Horne,
Healey, Bobzien and Kirkpatrick

CHAPTER.....

AN ACT relating to gaming; revising provisions governing interactive gaming; revising provisions governing the registration of persons who hold an ownership interest in certain entities which hold a gaming license; revising provisions relating to the inspection of games, gaming devices, associated equipment, cashless wagering systems, inter-casino linked systems, mobile gaming systems and interactive gaming systems; revising provisions relating to the regulation of independent testing laboratories; providing for an interim study of certain issues concerning the impact of technology upon the regulation of gaming and upon the distinction between restricted and nonrestricted gaming licensees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides that the Nevada Gaming Commission may, upon the recommendation of the State Gaming Control Board, adopt regulations allowing promotional schemes to be conducted by licensed operators of interactive gaming in direct association with a licensed interactive gaming activity, contest or tournament that includes a raffle, drawing or other similar game of chance.

Under existing law, the Commission and the Board are required to administer state gaming licenses and manufacturer's, seller's and distributor's licenses, and to perform various acts relating to the regulation and control of gaming. (NRS 463.140) **Sections 2-5** of this bill revise the definitions of the terms "cashless wagering system," "gaming employee," "gross revenue" and "wagering credit" for the purposes of the statutory provisions governing the licensing and control of gaming. **Section 14.5** of this bill repeals a provision contained in section 3 of Senate Bill No. 9 of this session that also revised the definition of the term "gross revenue."

Existing law requires audits of the financial statements of all nonrestricted licensees whose annual gross revenue is \$5,000,000 or more, and requires the amount of annual gross revenue to be increased or decreased annually in an amount determined by the Commission and corresponding to the Consumer Price Index. (NRS 463.159) **Section 6** of this bill requires the Board to make such a determination.

Existing law also requires a limited partner holding a 5 percent or less ownership interest in a limited partnership or a member holding a 5 percent or less ownership interest in a limited-liability company, who holds or applies for a state gaming license, to register with the Board and submit to the Board's jurisdiction within 30 days after the person acquires a 5 percent or less ownership interest. (NRS 463.569, 463.5735) **Sections 7 and 8** of this bill remove the requirement to register with the Board after acquiring such an ownership interest, and instead require a person to register upon seeking to hold a 5 percent or less ownership interest.



Existing law requires the Commission to adopt regulations providing for the registration of independent testing laboratories, which may be utilized by the Board to inspect and certify gaming devices, equipment and systems, and any components thereof, and providing for the standards and procedures for the revocation of the registration of such independent testing laboratories. (NRS 463.670) **Section 9** of this bill: (1) extends the requirement of registration to additional persons that own, operate or have significant involvement with an independent testing laboratory; (2) provides that a person who is registered pursuant to **section 9** is subject to the same investigatory and disciplinary procedures as all other gaming licensees; and (3) authorizes the Commission to require a registered independent testing laboratory and certain persons associated with a registered independent testing laboratory to file an application for a finding of suitability.

Assembly Bill No. 114 of this session, which was enacted by the Legislature and approved by the Governor and which became effective on February 21, 2013: (1) required the Commission, by regulation, to authorize the Governor, on behalf of the State of Nevada, to enter into agreements with other states, or authorized agencies thereof, to enable patrons in the signatory states to participate in interactive gaming; (2) required the regulations adopted by the Commission to be adopted in accordance with the Nevada Administrative Procedure Act; and (3) required the regulations to set forth provisions for any potential arrangements to share revenue. **Sections 11 and 12** of this bill amend the provisions of Assembly Bill No. 114 to: (1) allow agreements for interactive agreements to be made with governmental units of other nations, states or local bodies exercising governmental functions; (2) provide that the regulations adopted by the Commission are not required to be adopted in accordance with the Nevada Administrative Procedure Act; and (3) authorize the Commission to include specific requirements for the agreements entered into by the State of Nevada and another government.

Senate Bill No. 416 of this session enacted certain requirements for the issuance of restricted licenses for certain businesses, which were to become effective on July 1, 2013. **Sections 13 and 14** of this bill change the effective date of those provisions to January 1, 2014.

Section 15 of this bill requires the Legislative Commission to create a committee to conduct an interim study concerning the impact of technology upon the regulation of gaming and upon the distinction between restricted and nonrestricted gaming licensees.

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

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

Section 1. Chapter 463 of NRS is hereby amended by adding thereto a new section to read as follows:

The Commission may, upon the recommendation of the Board, adopt regulations that allow promotional schemes to be conducted by licensed operators of interactive gaming in direct association with a licensed interactive gaming activity, contest or tournament that includes a raffle, drawing or other similar game of chance.



Sec. 2. NRS 463.014 is hereby amended to read as follows:

463.014 "Cashless wagering system" means a method of wagering and accounting:

1. In which the validity and value of a wagering instrument or wagering credits are determined, monitored and retained by a computer operated and maintained by a licensee which maintains a record of each transaction involving the wagering instrument or wagering credits, exclusive of the game or gaming device on which wagers are being made. The term includes computerized systems which facilitate electronic transfers of money directly to or from a game or gaming device; or

2. Used in a race book or sports pool in which the validity and value of a wagering instrument *or wagering credits* are determined, monitored and retained on a computer that maintains a record of each transaction involving the wagering instrument *or wagering credits* and is operated and maintained by a licensee.

Sec. 3. NRS 463.0157 is hereby amended to read as follows:

463.0157 1. "Gaming employee" means any person connected directly with an operator of a slot route, the operator of a pari-mutuel system, the operator of an inter-casino linked system or a manufacturer, distributor or disseminator, or with the operation of a gaming establishment licensed to conduct any game, 16 or more slot machines, a race book, sports pool or pari-mutuel wagering, including:

(a) Accounting or internal auditing personnel who are directly involved in any recordkeeping or the examination of records associated with revenue from gaming;

(b) Boxpersons;

(c) Cashiers;

(d) Change personnel;

(e) Counting room personnel;

(f) Dealers;

(g) Employees of a person required by NRS 464.010 to be licensed to operate an off-track pari-mutuel system;

(h) Employees of a person required by NRS 463.430 to be licensed to disseminate information concerning racing and employees of an affiliate of such a person involved in assisting the person in carrying out the duties of the person in this State;

(i) Employees whose duties are directly involved with the manufacture, repair, sale or distribution of gaming devices, cashless wagering systems, mobile gaming systems, equipment associated with mobile gaming systems, interactive gaming systems or equipment associated with interactive gaming;



(j) Employees of operators of slot routes who have keys for slot machines or who accept and transport revenue from the slot drop;

(k) Employees of operators of inter-casino linked systems, mobile gaming systems or interactive gaming systems whose duties include the operational or supervisory control of the systems or the games that are part of the systems;

(l) Employees of operators of call centers who perform, or who supervise the performance of, the function of receiving and transmitting wagering instructions;

(m) Employees who have access to the Board's system of records for the purpose of processing the registrations of gaming employees that a licensee is required to perform pursuant to the provisions of this chapter and any regulations adopted pursuant thereto;

(n) Floorpersons;

(o) Hosts or other persons empowered to extend credit or complimentary services;

(p) Keno runners;

(q) Keno writers;

(r) Machine mechanics;

(s) Odds makers and line setters;

(t) Security personnel;

(u) Shift or pit bosses;

(v) Shifts;

(w) Supervisors or managers;

(x) Ticket writers;

(y) Employees of a person required by NRS 463.160 to be licensed to operate an information service; ~~and~~

(z) *Employees of a licensee who have local access and provide management, support, security or disaster recovery services for any hardware or software that is regulated pursuant to the provisions of this chapter and any regulations adopted pursuant thereto; and*

(aa) Temporary or contract employees hired by a licensee to perform a function related to gaming.

2. "Gaming employee" does not include barbacks ~~or~~ bartenders ~~whose duties do not involve gaming activities~~, cocktail servers or other persons engaged exclusively in preparing or serving food or beverages.

3. *As used in this section, "local access" means access to hardware or software from within a licensed gaming establishment, hosting center or elsewhere within this State.*



Sec. 4. NRS 463.0161 is hereby amended to read as follows:

463.0161 1. "Gross revenue" means the total of all:

- (a) Cash received as winnings;
- (b) Cash received in payment for credit extended by a licensee to a patron for purposes of gaming; and
- (c) Compensation received for conducting any game , *or any contest or tournament in conjunction with interactive gaming*, in which the licensee is not party to a wager,
↳ less the total of all cash paid out as losses to patrons, those amounts paid to fund periodic payments and any other items made deductible as losses by NRS 463.3715. For the purposes of this section, cash or the value of noncash prizes awarded to patrons in a contest or tournament are not losses, except that losses in a contest or tournament conducted in conjunction with an inter-casino linked system may be deducted to the extent of the compensation received for the right to participate in that contest or tournament.

2. The term does not include:

- (a) Counterfeit facsimiles of money, chips, tokens, wagering instruments or wagering credits;
- (b) Coins of other countries which are received in gaming devices;
- (c) Any portion of the face value of any chip, token or other representative of value won by a licensee from a patron for which the licensee can demonstrate that it or its affiliate has not received cash;
- (d) Cash taken in fraudulent acts perpetrated against a licensee for which the licensee is not reimbursed;
- (e) Cash received as entry fees for contests or tournaments in which patrons compete for prizes, except for a contest or tournament conducted in conjunction with an inter-casino linked system;
- (f) Uncollected baccarat commissions; or
- (g) Cash provided by the licensee to a patron and subsequently won by the licensee, for which the licensee can demonstrate that it or its affiliate has not been reimbursed.

3. As used in this section, "baccarat commission" means:

- (a) A fee assessed by a licensee on cash paid out as a loss to a patron at baccarat to modify the odds of the game; or
- (b) A rate or fee charged by a licensee for the right to participate in a baccarat game.

Sec. 5. NRS 463.01963 is hereby amended to read as follows:

463.01963 "Wagering credit" means a representative of value, other than a chip, token or wagering instrument, that is used for wagering at a game , ~~for~~ gaming device , *race book or sports pool*



and is obtained by the payment of cash or a cash equivalent, the use of a wagering instrument or the electronic transfer of money.

Sec. 6. NRS 463.159 is hereby amended to read as follows:

463.159 1. The Commission shall by regulation require audits of the financial statements of all nonrestricted licensees whose annual gross revenue is \$5,000,000 or more.

2. The Commission may require audits, compiled statements or reviews of the financial statements of nonrestricted licensees whose annual gross revenue is less than \$5,000,000.

3. The amounts of annual gross revenue provided for in subsections 1 and 2 must be increased or decreased annually in an amount corresponding to the percentage of increase or decrease in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding year. On or before December 15 of each year, the ~~Commission~~ Board shall determine the amount of the increase or decrease required by this subsection and establish the adjusted amounts of annual gross revenue in effect for the succeeding calendar year. The audits, compilations and reviews provided for in subsections 1 and 2 must be made by independent accountants holding permits to practice public accounting in the State of Nevada.

4. Except as otherwise provided in subsection 5, for every audit required pursuant to this section:

(a) The independent accountants shall submit an audit report which must express an unqualified or qualified opinion or, if appropriate, disclaim an opinion on the statements taken as a whole in accordance with standards for the accounting profession established by rules and regulations of the Nevada State Board of Accountancy, but the preparation of statements without audit does not constitute compliance.

(b) The examination and audit must disclose whether the accounts, records and control procedures maintained by the licensee are as required by the regulations published by the Commission pursuant to NRS 463.156 to 463.1592, inclusive.

5. If the license of a nonrestricted licensee is terminated within 3 months after the end of a period covered by an audit, the licensee may submit compiled statements in lieu of an additional audited statement for the licensee's final period of business.

Sec. 7. NRS 463.569 is hereby amended to read as follows:

463.569 1. Every general partner of, and every limited partner with more than a 5 percent ownership interest in, a limited partnership which holds a state gaming license must be licensed individually, according to the provisions of this chapter, and if, in



the judgment of the Commission, the public interest will be served by requiring any other limited partners or any or all of the limited partnership's lenders, holders of evidence of indebtedness, underwriters, key executives, agents or employees to be licensed, the limited partnership shall require those persons to apply for a license in accordance with the laws and requirements in effect at the time the Commission requires the licensing. Publicly traded corporations which are limited partners of limited partnerships are not required to be licensed, but shall comply with NRS 463.635 to 463.645, inclusive. A person who is required to be licensed by this section as a general or limited partner shall not receive that position until the person secures the required approval of the Commission. A person who is required to be licensed pursuant to a decision of the Commission shall apply for a license within 30 days after the Commission requests the person to do so.

2. All limited partners ~~holding~~ *seeking to hold* a 5 percent or less ownership interest in a limited partnership, other than a publicly traded limited partnership, which hold or apply for a state gaming license, must register in that capacity with the Board and submit to the Board's jurisdiction. Such registration must be made on forms prescribed by the Chair of the Board. The Chair of the Board may require a registrant to apply for licensure at any time in the Chair's discretion. ~~[A person who is required to be registered by this section shall apply for registration within 30 days after the person becomes a limited partner holding a 5 percent or less ownership interest in a limited partnership.]~~

3. The Commission may, with the advice and assistance of the Board, adopt such regulations as it deems necessary to carry out the provisions of subsection 2.

Sec. 8. NRS 463.5735 is hereby amended to read as follows:

463.5735 1. Every member and transferee of a member's interest with more than a 5 percent ownership interest in a limited-liability company, and every director and manager of a limited-liability company which holds or applies for a state gaming license, must be licensed individually according to the provisions of this chapter.

2. All members ~~holding~~ *seeking to hold* a 5 percent or less ownership interest in a limited-liability company, other than a publicly traded limited-liability company, which hold or apply for a state gaming license, must register in that capacity with the Board and submit to the Board's jurisdiction. Such registration must be made on forms prescribed by the Chair of the Board. The Chair of the Board may require a registrant to apply for licensure at any time



in the Chair's discretion. ~~[A person who is required to be registered by this section shall apply for registration within 30 days after the person becomes a member holding a 5 percent or less ownership interest in a limited liability company.]~~

3. If, in the judgment of the Commission, the public interest will be served by requiring any members with a 5 percent or less ownership interest in a limited-liability company, or any of the limited-liability company's lenders, holders of evidence of indebtedness, underwriters, key executives, agents or employees to be licensed:

(a) The limited-liability company shall require those persons to apply for a license in accordance with the laws and requirements in effect at the time the Commission requires the licensing; and

(b) Those persons shall apply for a license within 30 days after being requested to do so by the Commission.

4. A publicly traded corporation which is a member of a limited-liability company is not required to be licensed, but shall comply with NRS 463.635 to 463.645, inclusive.

5. No person may become a member or a transferee of a member's interest in a limited-liability company which holds a license until the person secures the required approval of the Commission.

6. A director or manager of a limited-liability company shall apply for a license within 30 days after assuming office.

7. The Commission may, with the advice and assistance of the Board, adopt such regulations as it deems necessary to carry out the provisions of subsection 2.

Sec. 9. NRS 463.670 is hereby amended to read as follows:

463.670 1. The Legislature finds and declares as facts:

(a) That the inspection of *games*, gaming devices, associated equipment, cashless wagering systems, *inter-casino linked systems*, mobile gaming systems and interactive gaming systems is essential to carry out the provisions of this chapter.

(b) That the inspection of *games*, gaming devices, associated equipment, cashless wagering systems, *inter-casino linked systems*, mobile gaming systems and interactive gaming systems is greatly facilitated by the opportunity to inspect components before assembly and to examine the methods of manufacture.

(c) That the interest of this State in the inspection of *games*, gaming devices, associated equipment, cashless wagering systems, *inter-casino linked systems*, mobile gaming systems and interactive gaming systems must be balanced with the interest of this State in



maintaining a competitive gaming industry in which games can be efficiently and expeditiously brought to the market.

2. The Commission may, with the advice and assistance of the Board, adopt and implement procedures that preserve and enhance the necessary balance between the regulatory and economic interests of this State which are critical to the vitality of the gaming industry of this State.

3. The Board may inspect every *game or* gaming device which is manufactured, sold or distributed:

(a) For use in this State, before the *game or* gaming device is put into play.

(b) In this State for use outside this State, before the gaming device is shipped out of this State.

4. The Board may inspect every *game or* gaming device which is offered for play within this State by a state gaming licensee.

5. The Board may inspect all associated equipment, every cashless wagering system, *every inter-casino linked system*, every mobile gaming system and every interactive gaming system which is manufactured, sold or distributed for use in this State before the equipment or system is installed or used by a state gaming licensee and at any time while the state gaming licensee is using the equipment or system.

6. In addition to all other fees and charges imposed by this chapter, the Board may determine, charge and collect an inspection fee from each manufacturer, seller, distributor or independent testing laboratory which must not exceed the actual cost of inspection and investigation.

7. The Commission shall adopt regulations which:

(a) Provide for the registration of independent testing laboratories ~~and~~ *and of each person that owns, operates or has significant involvement with an independent testing laboratory*, specify the form of the application required for such registration, *set forth the qualifications required for such registration* and establish the fees required for the application, the investigation of the applicant and the registration of the applicant.

(b) Authorize the Board to utilize independent testing laboratories for the inspection and certification of any *game*, gaming device, associated equipment, cashless wagering system, *inter-casino linked system*, mobile gaming system or interactive gaming system, or any components thereof.

(c) Establish uniform protocols and procedures which the Board and independent testing laboratories must follow during an inspection performed pursuant to subsection 3 or 5, and which



independent testing laboratories must follow during the certification of any *game*, gaming device, associated equipment, cashless wagering system, *inter-casino linked system*, mobile gaming system or interactive gaming system, or any components thereof, for use in this State or for shipment from this State.

(d) Allow an application for the registration of an independent testing laboratory to be granted upon the independent testing laboratory's completion of an inspection performed in compliance with the uniform protocols and procedures established pursuant to paragraph (c) and satisfaction of such other requirements that the Board may establish.

(e) Provide the standards and procedures for the revocation of the registration of an independent testing laboratory.

(f) Provide the standards and procedures relating to the filing of an application for a finding of suitability pursuant to this section and the remedies should a person be found unsuitable.

(g) Provide any additional provisions which the Commission deems necessary and appropriate to carry out the provisions of this section and which are consistent with the public policy of this State pursuant to NRS 463.0129.

8. *The Commission shall retain jurisdiction over any person registered pursuant to this section, and any regulations adopted pursuant thereto, in all matters relating to a game, gaming device, associated equipment, cashless wagering system, inter-casino linked system, mobile gaming system or interactive gaming system, or any component thereof or modification thereto, even if the person ceases to be registered.*

9. *A person registered pursuant to this section is subject to the investigatory and disciplinary proceedings that are set forth in NRS 463.310 to 463.318, inclusive, and shall be punished as provided in those sections.*

10. *The Commission may, upon recommendation of the Board, require the following persons to file an application for a finding of suitability:*

(a) A registered independent testing laboratory.

(b) An employee of a registered independent testing laboratory.

(c) An officer, director, partner, principal, manager, member, trustee or direct or beneficial owner of a registered independent testing laboratory or any person that owns or has significant involvement with the activities of a registered independent testing laboratory.

11. *If a person fails to submit an application for a finding of suitability within 30 days after a demand by the Commission*



pursuant to this section, the Commission may make a finding of unsuitability. Upon written request, such period may be extended by the Chair of the Commission, at the Chair's sole and absolute discretion.

12. As used in this section, unless the context otherwise requires, "independent testing laboratory" means a private laboratory that is registered by the ~~{Commission}~~ Board to inspect and certify *games*, gaming devices, associated equipment, cashless wagering systems, *inter-casino linked systems*, mobile gaming systems ~~{and}~~ or interactive gaming systems, and any components thereof ~~{and}~~ *and modifications thereto*, and to perform such other services as the Board and Commission may request.

Sec. 10. NRS 465.094 is hereby amended to read as follows:

465.094 The provisions of NRS 465.092 and 465.093 do not apply to a wager placed by a person for the person's own benefit or, without compensation, for the benefit of another that is accepted or received by, placed with, or sent, transmitted or relayed to:

1. A race book or sports pool that is licensed pursuant to chapter 463 of NRS, if the wager is accepted or received within this State and otherwise complies with all other applicable laws and regulations concerning wagering;

2. A person who is licensed to engage in off-track pari-mutuel wagering pursuant to chapter 464 of NRS, if the wager is accepted or received within this State and otherwise complies with subsection 3 of NRS 464.020 and all other applicable laws and regulations concerning wagering;

3. A person who is licensed to operate a mobile gaming system pursuant to chapter 463 of NRS, if the wager is accepted or received within this State and otherwise complies with all other applicable laws and regulations concerning wagering;

4. Any other person or establishment that is licensed to engage in wagering pursuant to title 41 of NRS, if the wager is accepted or received within this State and otherwise complies with all other applicable laws and regulations concerning wagering; or

5. Any other person or establishment that is licensed to engage in wagering in another ~~{state}~~ *jurisdiction* and is permitted to accept or receive a wager from patrons within this State under an agreement entered into by the Governor pursuant to section 6 of Assembly Bill No. 114 of this session.

Sec. 11. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.



- (b) Except as otherwise provided in NRS 209.221, the Department of Corrections.
 - (c) The Nevada System of Higher Education.
 - (d) The Office of the Military.
 - (e) The State Gaming Control Board.
 - (f) Except as otherwise provided in NRS 368A.140 and 463.765, ~~and section 6 of this act,~~ the Nevada Gaming Commission.
 - (g) The Division of Welfare and Supportive Services of the Department of Health and Human Services.
 - (h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.
 - (i) The State Board of Examiners acting pursuant to chapter 217 of NRS.
 - (j) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.
 - (k) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.
 - (l) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.
 - (m) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 590.830.
 - (n) The Silver State Health Insurance Exchange.
2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.
3. The special provisions of:
- (a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;
 - (b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;
 - (c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and



(d) NRS 90.800 for the use of summary orders in contested cases,

➡ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 392.644 or 394.1694; or

(d) The judicial review of decisions of the Public Utilities Commission of Nevada.

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 12. Section 6 of Assembly Bill No. 114 of this session is hereby amended to read as follows:

Sec. 6. 1. ~~{The}~~ *Upon recommendation of the Commission, ~~{shall, by regulation, authorize}~~ the Governor, on behalf of the State of Nevada, is authorized to:*

(a) Enter into agreements, *in accordance with the requirements of this section,* with other ~~{states, or authorized agencies thereof, to enable patrons}~~ *governments whereby persons who are physically located in ~~{the}~~ a signatory ~~{states to}~~ jurisdiction may participate in interactive gaming ~~{offered by licensees in those}~~ conducted by one or more operators licensed by one or more of the signatory ~~{states;}~~ governments;* and

(b) Take all necessary actions to ensure that any agreement entered into pursuant to this section becomes effective.

2. ~~{Any regulations adopted pursuant to subsection 1 must:~~



~~(a) Set forth provisions for any potential arrangements to share revenue between this State and any other state or agency within another state.~~

~~(b) Be adopted in accordance with the provisions of chapter 233B of NRS.] The Commission may:~~

(a) Make recommendations to the Governor to enter into agreements pursuant to this section.

(b) Upon the recommendation of the Board, adopt regulations relating to agreements pursuant to this section.

3. The regulations adopted by the Commission pursuant to this section may include, without limitation, provisions prescribing:

(a) The form, length and terms of an agreement entered into by this State and another government, including, without limitation, provisions relating to how:

(1) Taxes are to be treated by this State and another government;

(2) Revenues are to be shared and distributed; and

(3) Disputes with patrons are to be resolved.

(b) The information to be furnished to the Board and the Commission by a government that proposes to enter into an agreement with this State pursuant to this section.

(c) The information to be furnished by the Board to the Commission to enable the Commission to carry out the purposes of this section.

(d) The manner and procedure for hearings conducted by the Board and Commission pursuant to this section, including, without limitation, the need for any special rules or notices.

(e) The information to be furnished by the Commission to the Governor that supports the recommendations of the Commission made pursuant to this section.

(f) Any other procedures to be followed by the Board or Commission to carry out the purposes of this section.

4. The Governor may not enter into an agreement pursuant to this section unless the agreement includes provisions:

(a) For any potential arrangement for the sharing of revenues by this State and a government.

(b) That permit the effective regulation of interactive gaming by this State, including, without limitation, provisions relating to licensing of entities and natural persons, technical standards to be followed, resolution of



disputes by patrons, requirements for bankrolls, enforcement, accounting and maintenance of records.

(c) That each government that is a signatory to the agreement agrees to prohibit operators of interactive gaming, service providers and manufacturers or distributors of interactive gaming systems from engaging in any activity permitted by the agreement unless such operators of interactive gaming, service providers or manufacturers or distributors of interactive gaming systems are licensed or found suitable:

(1) In this State; or

(2) In the signatory jurisdiction pursuant to requirements that are materially consistent with the corresponding requirements of this State.

(d) That no variation or derogation from the requirements of the agreement is permitted for any signatory government absent the consent of this State and all signatory governments.

(e) That prohibit any subordinate or side agreements, except with respect to sharing of revenues, among any subset of governments that are signatories to the agreement.

(f) That, if the agreement allows persons physically located in this State to participate in interactive gaming conducted by another government or an operator of interactive gaming licensed by another government, require that government to establish and maintain regulatory requirements governing interactive gaming that are materially consistent with the requirements of this State in all material respects.

5. As used in this section:

(a) “Government” means any governmental unit of a national, state or local body exercising governmental functions, other than the United States Government. The term includes, without limitation, national and subnational governments, including their respective departments, agencies and instrumentalities and any department, agency or authority of any such governmental unit that has authority over gaming or gambling activities.

(b) “Jurisdiction” means the country, state or other geographic area over which a government exercises legal authority.



Sec. 13. Section 7 of Senate Bill No. 416 of this session is hereby amended to read as follows:

Sec. 7. 1. Except as otherwise provided in this section, the amendatory provisions of section 3 of this act apply to the issuance of a restricted license on or after January 1, 2014.

2. Except as otherwise provided in subsection 3, an establishment that has been granted a restricted license by the Nevada Gaming Commission before January 1, 2014, but which is not in compliance with the provisions of paragraph (b) of subsection 2 of NRS 463.161, as amended by section 3 of this act, must come into compliance with those provisions upon the earlier of:

(a) A change of ownership of the business or the transfer of 50 percent or more of the stock or other ownership interest in the entity owning the business; or

(b) July 1, 2015.

3. An establishment which was granted a gaming license before December 22, 1990, and which has been operating at the same location since that date is not required to comply with the provisions of paragraph (b) of subsection 2 of NRS 463.161, as amended by section 3 of this act.

4. An establishment that has been granted a restricted license by the Commission before January 1, 2014, but which is not in compliance with the provisions of paragraph (a) or (c) of subsection 2 of NRS 463.161, as amended by section 3 of this act, is not required to come into compliance with those provisions unless the establishment ceases gaming operations for 18 or more consecutive months.

5. The Commission shall not renew the restricted license of an establishment that does not come into compliance with the amendatory provisions of section 3 of this act within the time required by this section.

6. This act applies to all race books, sports pools and associated equipment in existence on July 1, 2013.

Sec. 14. Section 8 of Senate Bill No. 416 of this session is hereby amended to read as follows:

Sec. 8. 1. This section and sections 1, 2, 4 and 7 of this act become effective on July 1, 2013.

2. Section 3 of this act becomes effective on January 1, 2014.

Sec. 14.5. Section 3 of Senate Bill No. 9 of this session is hereby repealed.



Sec. 15. 1. The Legislative Commission shall create a committee to conduct an interim study concerning the impact of technology upon the regulation of gaming and upon the distinction between restricted and nonrestricted gaming licensees.

2. The committee created by the Legislative Commission to conduct the study must be composed of six voting members and seven nonvoting members, appointed and designated as follows:

(a) The Legislative Commission shall appoint three voting members of the Senate, at least one of whom must be a member of the minority political party.

(b) The Legislative Commission shall appoint three voting members of the Assembly, at least one of whom must be a member of the minority political party.

(c) The Legislative Commission shall appoint five nonvoting members, with one member representing each of the following:

- (1) Manufacturers or developers of gaming technology;
- (2) Entities engaged in the business of interactive gaming;
- (3) Restricted gaming licensees;
- (4) Nonrestricted gaming licensees; and
- (5) Operators of race books and sports pools.

(d) The Chair of the Nevada Gaming Commission and the Chair of the State Gaming Control Board serve *ex officio* as nonvoting members of the committee.

3. The Legislative Commission shall appoint a Chair from among the voting members of the committee.

4. The committee shall study, without limitation:

(a) The impact of modern and evolving technology upon gaming and the regulation of gaming;

(b) Interactive gaming in Nevada and other jurisdictions, and any proposed or enacted federal legislation in this area;

(c) The regulatory distinction between restricted and nonrestricted licensure, and the impact of technology upon this distinction;

(d) The determination of whether the operation of slot machines is incidental to the primary business of a restricted gaming licensee, and minimum requirements that are or should be imposed upon such businesses;

(e) The effect of expanding capability of personal and portable electronic devices upon gaming and the regulation of gaming;

(f) The potential effects and consequences of authorizing the acceptance of race book and sports pool wagers made by an entity; and



(g) The effect of legislation approved by the 77th Session of the Nevada Legislature with regard to gaming and the regulation of gaming.

5. The Legislative Commission shall submit a report of the findings of the committee, including, without limitation, any recommendations for legislation, to the 78th Session of the Nevada Legislature.

6. For each day or portion of a day during which a member of the committee who is a Legislator attends a meeting of the committee or is otherwise engaged in the business of the committee, the Legislator is entitled to receive the:

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

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

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

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

Sec. 16. 1. This section and section 14.5 of this act become effective on June 1, 2013.

2. Sections 1 to 14, inclusive, and 15 of this act become effective upon passage and approval.



ABSTRACT

COMMITTEE TO CONDUCT AN INTERIM STUDY CONCERNING THE IMPACT OF TECHNOLOGY UPON GAMING

Assembly Bill 360
(Chapter 508, *Statutes of Nevada 2013*)

The 2013 Nevada Legislature enacted Assembly Bill 360 (Chapter 508, *Statutes of Nevada 2013*), which directed the Legislative Commission to appoint a Committee to conduct an interim study concerning the impact of technology upon gaming. The Committee was charged with studying: (1) the impact of modern and evolving technology upon gaming and the regulation of gaming; (2) interactive gaming in Nevada and other jurisdictions, and any proposed or enacted federal legislation in this area; (3) the regulatory distinction between restricted and nonrestricted licensure and the impact of technology upon this distinction; (4) whether the operation of slot machines is incidental to the primary business of a restricted gaming licensee and the minimum requirements that are or should be imposed upon such businesses; (5) the effect of expanding capabilities of personal and portable electronic devices upon gaming and the regulation of gaming; (6) the potential effects and consequences of authorizing the acceptance of race book and sports pool wagers made by an entity; and (7) the effect of legislation approved by the 2013 Nevada Legislature with regard to gaming and the regulation of gaming.

The Legislative Commission appointed three members of the Assembly, three members of the Senate, and seven nonvoting members representing various gaming industry sectors to the Committee. The Committee held a total of four meetings during the course of the study and received numerous reports and presentations concerning, among other things: (1) interactive gaming in Nevada and other jurisdictions; (2) interactive gaming licenses in Nevada; (3) an interactive gaming agreement with another state; (4) the current tax structure for interactive gaming and “brick and mortar” gaming entities; (5) an overview of restricted and nonrestricted gaming licensure; and (6) statistics on mobile sports wagering.

During its final meeting and work session, the Committee adopted one recommendation for legislation to be considered by the 2015 Legislature. The recommendation is to authorize the Nevada Gaming Commission to adopt regulations that encourage development and deployment of gaming devices incorporating innovative, alternative, and advanced technologies.

SUMMARY OF RECOMMENDATION

COMMITTEE TO CONDUCT AN INTERIM STUDY CONCERNING THE IMPACT OF TECHNOLOGY UPON GAMING

Assembly Bill 360
(Chapter 508, *Statutes of Nevada 2013*)

At its meeting on May 27, 2014, the Committee to Conduct an Interim Study Concerning the Impact of Technology Upon Gaming adopted the following recommendation, a bill draft request, which will be submitted to the 78th Session of the Nevada Legislature:

- Request the drafting of a bill to amend Chapter 463 (“Licensing and Control of Gaming”) of *Nevada Revised Statutes* to expand the authority of the Nevada Gaming Commission to promulgate regulations that encourage development and deployment of gaming devices incorporating innovative, alternative, and advanced technologies. **(BDR 41–61)**

BULLETIN NO. 15-4

**COMMITTEE TO CONDUCT AN INTERIM STUDY
CONCERNING COMMUNITY COLLEGES**

Senate Bill 391
(Chapter 494, *Statutes of Nevada 2013*)

Members

Senator Joyce Woodhouse, Chair
Senator Barbara K. Cegavske
Senator Debbie Smith
Assemblyman Paul Aizley
Assemblyman Pat Hickey
Assemblywoman Marilyn Kirkpatrick

Staff Contacts

Research Division:

Kelly S. Richard, Senior Research Analyst
Christina Harper, Senior Research Secretary
Sally Trotter, Principal Administrative Assistant
(775) 684-6825

Fiscal Analysis Division:

Alex Haartz, Principal Deputy Fiscal Analyst
Brody Leiser, Program Analyst
(775) 684-6821

Legal Division:

Brenda J. Erdoes, Legislative Counsel
Karly O'Krent, Deputy Legislative Counsel
(775) 684-6830

Senate Bill 391
(Chapter 494, *Statutes of Nevada 2013*)

Senate Bill No. 391—Senators Cegavske, Goicoechea, Hammond,
Hutchison, Roberson; Gustavson, Hardy and Settlemeyer

CHAPTER.....

AN ACT relating to education; directing the Legislative Commission to appoint a committee to conduct an interim study concerning the governance structure of and funding methods for community colleges in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the administration of community colleges by the Board of Regents of the University of Nevada within the Nevada System of Higher Education. (NRS 396.020) **Section 2** of this bill directs the Legislative Commission to appoint a committee to conduct an interim study concerning the governance structure of and funding methods for community colleges in this State. **Section 3** of this bill requires the committee to appoint two or more subcommittees, including the Subcommittee on Governance and Funding and the Subcommittee on Academics and Workforce Alignment, and to develop the mission and duties of each subcommittee. **Section 3.5** of this bill requires the Legislative Counsel Bureau and the Nevada System of Higher Education to provide administrative and technical assistance to the committee and its subcommittees at the request of the Chair of the committee.

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

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

Section 1. The Legislature hereby finds and declares that:

1. The Nevada System of Higher Education, which is governed by the Board of Regents of the University of Nevada, encompasses several different types of institutions of higher education, including, without limitation, community colleges;
2. Community colleges are a key component of the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development;
3. Certain community colleges have a regional presence for vast areas of rural Nevada;
4. Recent economic problems in this State highlight the need for community colleges to be responsive to the students, business communities and regions of this State that they serve; and
5. It is important to determine whether a new method of governing and funding community colleges in this State is necessary to improve and advance the purpose of the State's community colleges.



Sec. 2. 1. The Legislative Commission shall appoint a committee to conduct an interim study concerning the governance structure of and funding methods for community colleges in this State.

2. The committee must be composed of six Legislators as follows:

(a) Two members appointed by the Majority Leader of the Senate;

(b) Two members appointed by the Speaker of the Assembly;

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

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

3. The Majority Leader of the Senate shall appoint a Chair and Vice Chair of the committee.

4. The committee shall consult with and solicit input from persons and organizations with expertise in matters relevant to the governance structures of and funding methods for community colleges in this State.

5. The committee shall submit a report of its findings, including, without limitation, any proposed changes to the governance structure of or funding methods for community colleges in this State and any recommendations for legislation, to the 78th Session of the Nevada Legislature.

Sec. 3. In studying the governance structures of and funding methods for community colleges in this State, the committee appointed pursuant to section 2 shall:

1. Appoint two or more subcommittees, which must include:

(a) The Subcommittee on Governance and Funding, which consists of:

(1) Three members who are members of the committee appointed pursuant to section 2 of this act, appointed by the Chair of the committee;

(2) One member who is a member of the Board of Regents of the University of Nevada, appointed by the Chair of the Board;

(3) One member who is a representative of K-12 education, appointed by the Superintendent of Public Instruction;

(4) Two members who are representatives of local governments, appointed by the Nevada Association of Counties, or its successor organization;

(5) One member who is a representative of local governments, appointed by the Nevada League of Cities, or its successor organization; and



(6) Any other members appointed by the Chair of the committee.

(b) The Subcommittee on Academics and Workforce Alignment, which consists of:

(1) Three members who are members of the committee appointed pursuant to section 2 of this act, appointed by the Chair of the committee;

(2) One member who is a member of the Board of Regents of the University of Nevada, appointed by the Chair of the Board;

(3) Three members who are representatives of the business and economic development communities of this State, one of whom must be a representative of northern Nevada, one of whom must be a representative of southern Nevada and one of whom must be a representative of rural Nevada, appointed by the Executive Director of the Office of Economic Development;

(4) One member who is a representative of the Department of Employment, Training and Rehabilitation, appointed by the Director of the Department; and

(5) Any other members appointed by the Chair of the committee.

2. Develop the mission and duties of each subcommittee appointed pursuant to subsection 1, which must include, without limitation:

(a) Reviewing national best practices of governance of and funding methods for community colleges;

(b) Examining effective relationships among local school districts, workforce development and community colleges and making recommendations concerning how this State can strengthen such relationships to improve student achievement;

(c) Examining effective relationships between business and industry and community colleges and making recommendations concerning how this State can strengthen such relationships to better prepare students for entry into the workforce;

(d) Reviewing the mission of each community college in this State, which must include a determination of whether, over the 10-year period immediately preceding the review, the mission of the community college has changed and whether changes to the academic programs of the community college have enhanced or undermined that mission; and

(e) Determining whether it is advisable to transfer the administration of community colleges from the Board of Regents of the University of Nevada to another governmental entity and:



(1) If such a transfer is determined to be advisable, determining the best methods of accomplishing the transfer; and

(2) If such a transfer is determined not to be advisable, determining whether there are other options available that would improve the governance structure of and funding methods for community colleges.

Sec. 3.5. The Legislative Counsel Bureau and the Nevada System of Higher Education shall provide administrative and technical assistance to the committee appointed pursuant to section 2 of this act and its subcommittees as requested by the Chair of the committee.

Sec. 4. This act becomes effective on July 1, 2013.



ABSTRACT

COMMITTEE TO CONDUCT AN INTERIM STUDY CONCERNING COMMUNITY COLLEGES

Senate Bill 391
(Chapter 494, *Statutes of Nevada 2013*)

In 2013, the Nevada Legislature adopted Senate Bill 391 (Chapter 494, *Statutes of Nevada*), which established the Committee to Conduct an Interim Study Concerning Community Colleges. During the course of the 2013–2014 Interim, the Committee held two meetings, including a work session. Pursuant to S.B. 391, two subcommittees were appointed to examine specific issues related to community colleges: (1) the Subcommittee on Governance and Funding; and (2) the Subcommittee on Academics and Workforce Alignment. Each subcommittee met four times. All meetings of the Committee and subcommittees were public hearings conducted through simultaneous videoconferencing between meeting rooms at the Legislative Building in Carson City, the Grant Sawyer State Office Building in Las Vegas, and Great Basin College in Elko. The summaries of testimony and exhibits are available online at: <http://www.leg.state.nv.us/interim/77th2013/committee/>.

During the course of the study, the Committee and subcommittees were provided with formal presentations and expert and public testimony focused on the governance of community colleges and the alignment of community colleges with the needs of Nevada’s workforce. Presentation topics included: models and best practices of governance throughout the states; alignment with workforce and economic development goals; and alignment of K–12 career and technical education with college preparatory programs.

During its final meeting and work session, the Committee adopted three recommendations as bill draft requests (BDRs) for consideration during the 2015 Session of the Nevada Legislature. These recommendations for legislation include BDRs concerning need-based financial aid for students attending Nevada’s community colleges and Nevada State College, and workforce development grants.

SUMMARY OF RECOMMENDATIONS

**COMMITTEE TO CONDUCT AN INTERIM STUDY
CONCERNING COMMUNITY COLLEGES**

Senate Bill 391
(Chapter 494, *Statutes of Nevada 2013*)

This summary presents the recommendations adopted by the Committee to Conduct an Interim Study Concerning Community Colleges at its June 17, 2014, meeting. The Committee submitted the following recommendations and bill draft requests (BDRs) to the 78th Session of the Nevada Legislature.

RECOMMENDATIONS FOR LEGISLATION

Need-based Financial Aid

1. Draft legislation to create a State-supported need-based \$5 million grant program for the 2015–2017 Biennium to provide financial aid to low-income students attending community colleges and Nevada State College. **(BDR –593)**

Workforce Development Grants

2. Draft legislation to establish a \$6 million workforce development rapid response investment fund for the 2015–2017 Biennium, intended to assist community colleges in establishing new programs to address workforce needs outside of the biennial budget process. **(BDR –592)**
3. Draft legislation to establish a \$3.5 million science, technology, engineering, and mathematics (STEM) workforce challenge grant program for the 2015–2017 Biennium, which would award funds to regional consortia to support the development and implementation of STEM programs in postsecondary education. **(BDR –594)**

COMMITTEE ACTIONS

In addition, the Committee directed its staff to:

4. Draft a letter to the Board of Regents of the Nevada System of Higher Education (NSHE) expressing support for NSHE’s shared services initiative, the Nevada College Collaborative, and the concept of community colleges operating as a system within a system. The letter will request that NSHE provide a report to the Legislature on all actions taken in this regard prior to the commencement of the 2015 Legislative Session.

5. Draft a letter to the Board expressing support for the creation of a vice chancellor position within NSHE to act as a coordinator of community colleges and an advocate for the colleges within the system, as well as the establishment of a standing committee of the Board specifically focused on community colleges. The duties of the new vice chancellor should include, but not be limited to: the coordination of transfer and articulation agreements; involvement with the industry sector councils and other initiatives to align workforce development needs with community college programs; and the development of programs to increase alignment with K-12 education, including advanced placement courses, career and technical education, dual enrollment, and remedial education. The letter will also request that NSHE provide the Legislature with a report on all actions taken to address the vice chancellor position and the standing committee of the Board no later than December 31, 2014.
6. Draft a statement of support in the final Committee report for the expansion of advanced placement courses; dual credit courses, including apprenticeships and certificate opportunities; and community college high schools, in order to create additional opportunities for high school students to earn college credits on more campuses and align K-12, community college, and university courses to eliminate students taking duplicative coursework.
7. Draft a letter to NSHE requesting that the community colleges review the various advisory boards and committees that provide input to the colleges on such matters as curriculum, coursework, and program development to ensure the boards and committees are effective and not duplicative. The letter will request that NSHE report on the findings of the review to the Legislature on or before December 31, 2014; the report should address whether or not the various boards and committees are involved with workforce development and, if so, give an indication of whether the board or committee is aligned with one or more of the industry sector councils.
8. Draft a letter to the members of the 2015 Nevada Legislature forwarding all policy briefs, presentations, and reports submitted by the Lincy Institute for the members' consideration, no later than December 31, 2014.

BULLETIN NO. 15-5

TASK FORCE ON K-12 PUBLIC EDUCATION FUNDING

Senate Bill 500
(Chapter 500, *Statutes of Nevada 2013*)

Members

Senator Moises (Mo) Denis, Chair
Assemblywoman Lucy Flores, Vice Chair
Senator Michael Roberson
Assemblyman Pat Hickey

Nonvoting Members

Bob Burnham, Nevada Association of School Boards Appointment
Denette Corrales, Advisory Council on Parental Involvement and Family Engagement
Appointment
Dale Erquiaga, Superintendent of Public Instruction
Andrew Fromdahl, Nevada State Education Association Appointment
Marc Hechter, Senate Majority Leader Appointment
Adrienne Lawrence, Designee, State Public Charter School Authority
Pedro Martinez, Nevada Association of School Superintendents Appointment
James McIntosh, Governor Appointment (District Financial Officer)
Dawn Miller, Nevada Parent Teacher Association Appointment
Judy Osgood, Governor Appointment (Parent)
Stephanie Smith, Speaker of the Assembly Appointment

Staff Contacts

Fiscal Analysis Division:
Julie Waller, Senior Program Analyst
Wayne Thorley, Program Analyst
Donna Thomas, Secretary
(775) 684-6821

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

Senate Bill 500
(Chapter 500, *Statutes of Nevada 2013*)

Senate Bill No. 500—Committee on Education

CHAPTER.....

AN ACT relating to education; creating the Task Force on K-12 Public Education Funding to recommend a plan for funding public schools based upon a weighted formula that takes into account the individual educational needs and demographic characteristics of pupils; prescribing the membership and duties of the Task Force; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Nevada Plan for School Finance provides for the financial support of the school districts, charter schools and university schools for profoundly gifted pupils. The formula in the Nevada Plan is expressed as: State financial aid to school districts equals the difference between school district basic support guarantee and local available funds produced by mandatory taxes minus all the local funds attributable to pupils who reside in the county but attend a charter school or a university school for profoundly gifted pupils. (NRS 387.121) The basic support guarantee for each school district is computed by multiplying the basic support guarantee per pupil that is established by law for the school district for each school year by pupil enrollment and adding funding for special education program units. (NRS 387.1221-387.1233; *see, e.g.*, chapter 370, Statutes of Nevada 2011, p. 2139) This bill creates the Task Force on K-12 Public Education Funding to recommend a plan for implementing a funding formula that takes into account the needs of, and the costs to educate, pupils based upon the individual educational needs and demographic characteristics of pupils, including, without limitation, pupils from low-income families, pupils with disabilities and pupils who have limited proficiency in the English language.

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

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

Section 1. The Nevada Legislature hereby finds and declares that:

1. It is the intended goal of the Legislature to equitably fund public education in this State and ensure that the public education funding formula properly accounts for the needs of, and the costs to educate, pupils based upon the individual educational needs and demographic characteristics of pupils, including, without limitation, pupils from low-income families, pupils with disabilities and pupils who have limited proficiency in the English language.

2. The Legislature seeks to revise the formula used to fund public education in Nevada to account for pupils with varying



educational needs and demographic characteristics in each school district in this State.

Sec. 2. 1. The Task Force on K-12 Public Education Funding is hereby created. The Task Force consists of:

(a) The Superintendent of Public Instruction or his or her designee;

(b) The Director of the State Public Charter School Authority or his or her designee;

(c) One member appointed by the Nevada Association of School Superintendents, in consultation with the Nevada Association of School Administrators;

(d) One member appointed by the Nevada Association of School Boards;

(e) One member appointed by the Nevada Parent Teacher Association;

(f) One member appointed by the Nevada State Education Association;

(g) Two members appointed by the Governor, one of whom is a financial officer of a county school district and one of whom is a parent or legal guardian of a pupil enrolled in a public school in this State;

(h) One member appointed by the Advisory Council on Parental Involvement and Family Engagement;

(i) Two members appointed by the Majority Leader of the Senate as follows:

(1) One Senator; and

(2) One person who is a current or former licensed educator;

(j) Two members appointed by the Speaker of the Assembly as follows:

(1) One Assemblyman or Assemblywoman; and

(2) One person who is a current or former licensed educator;

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

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

2. In appointing members of the Task Force pursuant to subsection 1, the appointing authorities shall coordinate the appointments, to the extent practicable, so that the members of the Task Force represent the geographic and ethnic diversity of this State.

3. Any vacancy occurring in the appointed membership of the Task Force must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.



4. The Task Force shall hold its first meeting as soon as practicable on or after July 1, 2013, upon the call of the Governor. At the first meeting of the Task Force, the members of the Task Force shall elect a Chair, who must be either a Senator or an Assemblyman or Assemblywoman.

5. Including the first meeting held pursuant to subsection 4, the Task Force shall meet not more than six times each year at the call of the Chair.

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

7. The Chair of the Task Force may appoint such subcommittees from within or outside the membership of the Task Force as the Chair determines necessary to carry out the duties of the Task Force.

8. The Chair of the Task Force shall appoint a technical advisory committee consisting of persons who have knowledge, experience or expertise in K-12 public school finance as follows:

- (a) One representative of the Clark County School District;
 - (b) One representative of the Washoe County School District;
 - (c) One representative of a county school district other than the Clark County School District or the Washoe County School District;
- and

(d) Any other persons who have knowledge, experience or expertise in the area of K-12 public school finance.

9. The members of the Task Force, a subcommittee of the Task Force and the technical advisory committee serve without compensation.

10. The Director of the Legislative Counsel Bureau shall provide administrative support to the Task Force.

Sec. 3. 1. The Task Force on K-12 Public Education Funding created by section 2 of this act shall:

(a) Conduct a review of the report entitled "Study of a New Method of Funding for Public Schools in Nevada" published by the American Institutes for Research on September 25, 2012;

(b) Survey the weighted pupil public education funding formulas which are used in other states;

(c) Develop a plan for revising and implementing Nevada's public education funding formula in a manner which equitably accounts for the needs of, and the costs to educate, pupils based upon the individual educational needs and demographic characteristics of pupils, including, without limitation, pupils from



low-income families, pupils with disabilities and pupils who have limited proficiency in the English language through a weighted funding formula; and

(d) Not later than June 30, 2014, prepare a written report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature which includes recommendations for implementing the plan developed pursuant to paragraph (c) for Nevada's public education funding formula in the executive budget prepared for the 2015-2017 biennium.

2. The Task Force, a subcommittee of the Task Force or the technical advisory committee of the Task Force may seek the input, advice and assistance of persons and organizations with the knowledge, interest or expertise relevant to the duties of the Task Force.

Sec. 4. As soon as practicable after the effective date of this act but not later than July 1, 2013, the members of the Task Force on K-12 Public Education Funding must be appointed as prescribed by section 2 of this act.

Sec. 5. This act:

1. Becomes effective upon passage and approval for the purpose of appointing members to the Task Force on K-12 Public Education Funding created by section 2 of this act and on July 1, 2013, for all other purposes.

2. Expires by limitation on June 30, 2015.



ABSTRACT

TASK FORCE ON K-12 PUBLIC EDUCATION FUNDING

Senate Bill 500

(Chapter 500, *Statutes of Nevada 2013*)

The 77th Session of the Nevada Legislature approved Senate Bill 500 (Chapter 500, *Statutes of Nevada 2013*), which established the Task Force on K-12 Public Education Funding. The Task Force consisted of 15 members, including 4 legislators (2 senators and 2 assemblymen), representatives from Nevada's Department of Education, the State Public Charter School Authority, the local school districts and school boards, and other education stakeholder groups. The Task Force was charged with developing a plan for revising and implementing the State's public education funding formula in a manner that equitably accounts for the needs of, and the costs to educate, students based upon their individual educational needs and demographic characteristics, including students from low-income families, students with disabilities, and students who have limited proficiency in the English language.

The Task Force held five meetings with the first meeting occurring on January 31, 2014, and the final work session meeting occurring on June 30, 2014. In addition to meeting five times, the chair of the Task Force appointed a Technical Advisory Committee (TAC) consisting of nine voting members and two nonvoting advisory members. Pursuant to S.B. 500, the members of the TAC were required to have knowledge, experience, or expertise in K-12 public school finance. The TAC was charged with making recommendations to the Task Force for a revised K-12 public school funding formula and met five times between March and June 2014.

The meetings of the Task Force and the TAC were all held at the Grant Sawyer State Office Building in Las Vegas with videoconference to the Legislative Building in Carson City. Respective meeting agendas, minutes, testimony, and exhibits for the Task Force and the TAC are available online under the "Interim Studies" subheading at: <http://leg.state.nv.us/interim/77th2013/committee/>.

At the first three meetings of the Task Force, the members of the Task Force heard testimony from:

- Nevada's Department of Education regarding the existing K-12 public school funding formula;
- The Education Commission of the States and the National Conference of State Legislatures about the English Language Learner (ELL), low-income, and special education student populations in the United States and the funding mechanisms utilized by other states to provide academic support for these students; and

- The local school districts concerning existing funding and programs for ELL students, students from low-income families, and students with disabilities.

At the fourth meeting of the Task Force, the chair of the TAC gave an update on the work of the TAC, including the recommendations of the TAC related to ELL students and students at risk of low academic achievement. At the Task Force's work session and final meeting held on June 30, 2014, the members of the Task Force received a report summarizing the TAC's recommendations for a revised K-12 public school funding formula. The Task Force approved all the recommendations of the TAC, including a recommendation to weight ELL students and students at risk of low academic achievement at no less than 1.50 and students with disabilities at 2.0. The recommendations of the Task Force will be included in a written report that will be transmitted to the Governor for possible inclusion in the *Executive Budget* prepared for the 2015-2017 Biennium and presented to the 78th Session of the Nevada Legislature.

SUMMARY OF RECOMMENDATIONS

TASK FORCE ON K-12 PUBLIC EDUCATION FUNDING

Senate Bill 500

(Chapter 500, *Statutes of Nevada 2013*)

At its final meeting on June 30, 2014, the Task Force on K-12 Public Education Funding adopted recommendations pertaining to Nevada's K-12 base funding formula, 12 recommendations pertaining to students identified as English Language Learners (ELL) and at risk of low academic achievement (At-Risk) and 4 recommendations pertaining to students with disabilities.

RECOMMENDATION PERTAINING TO NEVADA'S K-12 BASE FUNDING FORMULA

1. Nevada's Department of Education (NDE) should convene a working group to discuss and address the K-12 base funding formula issues and recommendations included in Chapter 5 of the *Study of a New Method of Funding for Public Schools in Nevada*, published by the American Institutes for Research on September 25, 2012 (page 125, Bulletin No. 13-07), which include:
 - a. Review and if necessary, revise the Teacher Allotment Tables and Attendance Areas;
 - b. Update the staffing and expenditure data used in Distributive School Account (DSA) calculations;
 - c. Replace the implicit wage differential adjustment in the DSA with a more objective measure of geographic labor cost variation, such as the Comparable Wage Index (CWI);
 - d. Reconsider the way the DSA groups districts for calculations; and
 - e. Consider alternatives to the current "single count day" approach to determining the enrollment on which school funding allocations are based.

RECOMMENDATIONS PERTAINING TO STUDENTS IDENTIFIED AS ELL AND AT-RISK

2. Concerning the identification of ELL students, utilize data currently collected by school districts, charter schools, and NDE on the number of ELL students within a particular school district or charter school.

3. Use free and reduced-price lunch (FRL) data to identify At-Risk students, or when FRL data is not available for a school or a charter school, an alternative measure approved by NDE may be used.
4. For students identified as ELL and/or At-Risk, implement a weighted student funding model that would apply a weight of not less than 1.50 until such time as a cost study may be conducted. For purposes of calculating the base amount upon which the ELL or At-Risk weight would be applied, include all State and local funding within the funding formula per-pupil calculation, but exclude all federal and categorical funding from the calculation.
5. Regarding students who qualify for multiple weight categories (excluding students with disabilities), apply the highest single weight to a student who qualifies as both ELL and At-Risk, based upon an unduplicated count of students.
6. For purposes of determining the funding adjustments for ELL and At-Risk student populations, utilize the immediate prior year count for those student populations. Additionally, the fiscal year immediately preceding the implementation of the funding adjustment for ELL and At-Risk students (Fiscal Year [FY] 2017) should be used as the base-year funding for each school district and charter school.
7. Do not provide an ELL funding adjustment based on the density of ELL students within a school district, given that sufficient data is not currently available to determine what a density factor or a threshold should be for Nevada school districts and charter schools, but rather continue to gather data necessary to develop a potential density adjustment.
8. Do not limit ELL funding to a set number of years, but rather recommend that NDE further review how to address long-term ELL students, particularly in cases where a school district or charter school's program for ELL students is not effective.
9. Provide weighted funding for ELL and At-Risk students initially as a categorical grant program outside the State's K-12 funding formula with a transition to inside the funding formula at a date to be determined in the future. The Department of Education should develop a plan to transition such funding to inside the State's funding formula for review and consideration by the Nevada Legislature prior to implementation.
10. The Department of Education should develop performance benchmarks and reporting requirements tied to the ELL and At-Risk funding. Additionally, school districts and charter schools eligible to receive ELL and/or At-Risk funding should be required to submit a plan, for review and approval by NDE, that outlines how the funding would be utilized to increase the academic performance of those student populations.

11. With regard to an implementation plan for modifications to the State's K-12 funding model for ELL and At-Risk students, for the 2015-2017 Biennium, school districts and charter schools should be held harmless by only distributing new funding (enhanced State funding) approved by the Nevada Legislature and the Governor for ELL and/or At-Risk students.
12. Beginning in FY 2018, phase-in the total calculated funding for ELL and At-Risk students, inclusive of all new funding for enrollment growth and/or funding for the 2 percent increase for movement on the salary scale for licensed personnel, over a four-year period in the following increments: FY 2018—10 percent; FY 2019—30 percent; FY 2020—60 percent; and FY 2021—100 percent.
13. Categorical funding directed to students identified as ELL and At-Risk should be excluded from collective bargaining. Eligible uses of such funding should include but not be limited to:
 - a. Classroom teachers to reduce class sizes or for ELL instruction;
 - b. Before and/or afterschool academic programs, including transportation to and from programs;
 - c. Pre-kindergarten programs;
 - d. Tutors, teachers' aides, counselors, social workers, nurses, and curriculum specialists;
 - e. Parent education and/or parental engagement;
 - f. Summer or intersession programs, including transportation to and from programs;
 - g. Early intervention programs;
 - h. Materials, supplies, and equipment, including technology used in approved programs or for approved purposes;
 - i. Funding a longer school day;
 - j. Funding a longer school year;
 - k. Remediation programs and/or partnering with higher education institutions;
 - l. Assessment activities;
 - m. Community liaison staff with language and cultural skills appropriate to the ELL population; and
 - n. Professional development activities.

RECOMMENDATIONS PERTAINING TO STUDENTS WITH DISABILITIES

14. Replace the current unit-funding methodology for students with disabilities with a weighted student-funding model that would apply a 2.0 weight to all students with disabilities, with a funding cap of 13 percent of the overall enrollment of a school district or charter school's students with disabilities, based upon a current year count.
15. Provide weighted funding for students with disabilities initially as a categorical grant program outside the State's K-12 funding formula with a transition to inside the funding formula at a date to be determined in the future.
16. Create a contingency fund for exceptionally high-cost students with disabilities and recommend NDE develop a plan for the operational guidelines of the fund for presentation to the 2015 Legislature. The Department of Education should also review the possibility of transferring the existing Chapter 395 ("Education of Persons With Disabilities") of *Nevada Revised Statutes* program into the new contingency fund program.
17. The Department of Education, in conjunction with experts from local school districts and charter schools, should develop the details of an implementation plan for modifications to the State's K-12 funding model for students with disabilities for submission to the 2015 Legislature, which includes a hold harmless provision and takes into account, at both the State and local levels, the federal maintenance of effort requirements.

BULLETIN NO. 15-6

ADVISORY COMMISSION ON THE ADMINISTRATION OF JUSTICE

Nevada Revised Statutes 176.0123

Members

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

Staff Contacts

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

Nevada Revised Statutes

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

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

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

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

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

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

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

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

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

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

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

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

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

(l) The Director of the Department of Corrections;

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

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

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

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

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

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

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

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

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

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

9. To the extent of legislative appropriation, the Director of the Legislative Counsel Bureau shall provide the Commission with such staff as is necessary to carry out the duties of the Commission.

(Added to NRS by [1995, 1353](#); A [2001, 2568](#); [2005, 581](#); [2007, 2818](#); [2009, 2569](#))

ABSTRACT

ADVISORY COMMISSION ON THE ADMINISTRATION OF JUSTICE

Nevada Revised Statutes 176.0123

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

By way of background, the Advisory Commission was born out of the former Advisory Commission on Sentencing (Sentencing Commission). The Sentencing Commission was originally established by statute in 1995 after the Legislature enacted "truth in sentencing," which required a defendant to serve 100 percent of his or her minimum sentence. However, the Sentencing Commission, whose membership was limited, laid largely dormant for many years. Then in 2007, the Legislature enacted Assembly Bill 508 (Chapter 488, *Statutes of Nevada*), which reconstituted and broadened the membership, duties, and scope of the Sentencing Commission to resemble its current form as the Advisory Commission. Members of the Advisory Commission are appointed each interim and serve for a two-year term between biennial sessions of the Nevada Legislature.

Throughout the interim, the Advisory Commission holds numerous public meetings to review the criminal justice system in Nevada. During the 2013–2014 Interim, the Advisory Commission held six substantive meetings and a work session. The Advisory Commission received formal presentations and national expert and public testimony on a broad range of topics involving criminal justice. Discussion topics included, but were not limited to: (1) budgetary and substantive presentations on the Department of Corrections, the Division of Parole and Probation, and the State Board of Parole Commissioners; (2) improvements to public safety; (3) sentencing reforms; (4) the compilation of presentence investigation reports; (5) the use of risk assessment tools; (6) juvenile justice reforms; (7) language access in the courts; (8) justice reinvestment initiatives; (9) public safety reforms in other states; (10) the use of statistics in fighting crime; (11) reviews of drug sentencing policies; (12) updates on the funding and use of specialty courts; (13) inmate issues; (14) the use of reentry programs; (15) criminal justice and deterrence; (16) civil penalties for traffic offenses; (17) the use of solitary confinement; (18) sex offenders; and (19) collateral consequences of conviction.

The Advisory Commission also appointed three subcommittees during the interim, which in turn, held independent meetings and made recommendations to the full Advisory Commission. The subcommittees included: (1) the Subcommittee on Victims of Crime (NRS 176.01245);

(2) the Subcommittee to Review Arrestee DNA (NRS 176.01246); and (3) the Subcommittee on the Medical Use of Marijuana (NRS 176.01247).

The 2013–2014 Advisory Commission on the Administration of Justice held a final work session on October 21, 2014. At that work session, the Advisory Commission considered 21 total recommendations, and ultimately voted to forward 16 recommendations to the 2015 Session of the Nevada Legislature.

SUMMARY OF RECOMMENDATIONS

ADVISORY COMMISSION ON THE ADMINISTRATION OF JUSTICE

Nevada Revised Statutes 176.0123

The 2013–2014 Advisory Commission on the Administration of Justice held a final work session on October 21, 2014. At that work session, the Advisory Commission voted to approve nine recommendations for the drafting of legislation, four recommendations for the drafting of a letter, and three recommendations to include a policy statement in the final report. A summary of each recommendation is identified below.

BILL DRAFT REQUESTS

1. Draft legislation to require the Department of Motor Vehicles to issue a valid driver's license or identification card to an offender upon release from prison by expiration of his or her term of sentence, by pardon or by parole.
2. Draft legislation to require: (1) the use of a uniform pretrial risk assessment tool in criminal proceedings, consistent with the Ohio Risk Assessment System Pretrial Assessment Tool; and (2) the Supreme Court to establish by rule, the policies and procedures for the implementation of the pretrial risk assessment tool.
3. Draft legislation to require the Division of Parole and Probation: (1) to review and update any risk assessment tool currently utilized by the Division; and (2) to report the Division's progress to the Advisory Commission on the Administration of Justice during the 2015–2016 Interim.
4. Draft legislation to require the centralized collection of fees, fines, and restitution from convicted persons. The legislation would require the Administrative Office of the Courts to assist in providing any necessary information.
5. Draft legislation to provide that an order of restitution contained in a criminal judgment is enforceable as a civil judgment and that such an order does not expire until it is paid in full.
6. Draft legislation to require all interested criminal justice stakeholders (such as district attorneys, criminal defense attorneys, judges, court clerks, crime laboratories, law enforcement agencies, and the Central Repository for Nevada Records of Criminal History) to adopt policies and procedures for developing a statewide criminal justice information sharing database.
7. Draft legislation to authorize the Director of the Department of Corrections to release personal information, including, but not limited to, a current or former address which

pertains to a victim, to the Office of the Attorney General. The information would be used solely for the purpose of notifying the victim of the status of pending litigation.

8. Draft legislation authorizing the Fund for the Compensation of Victims of Crime to be used for the reimbursement of counties for the cost of sexual assault examinations.
9. Draft legislation to study the use of sentence credits to reduce the minimum term of imprisonment imposed for offenders convicted of certain category B offenses. The study should include a review of the use of judicial discretion at sentencing, to determine whether such credits should be allocated.

DRAFT A LETTER

10. Draft a letter to the Governor and the Chairs of the Assembly Committee on Ways and Means and the Senate Committee on Finance, to request additional funding for criminal justice in Nevada. This request would include supplemental funding for staffing, information technology, and technical assistance for the Division of Parole and Probation, the Department of Corrections, and the State Board of Parole Commissioners.
11. Draft a letter to the Governor and the Chairs of the Assembly Committee on Ways and Means and the Senate Committee on Finance, urging their support of the Supreme Court's \$3 million general fund budget request for specialty courts.
12. Draft a letter to the State DNA Database (Forensic Science Division of the Washoe County Sheriff's Office) and the Central Repository for Nevada Records of Criminal History, encouraging the entities to: (1) research and review the seven states that currently utilize automatic expungement for arrestee DNA records; and (2) further develop best practices should Nevada choose to proceed with automatic expungement in the future.
13. Draft a letter to the Governor and the Chairs of the Assembly Committee on Ways and Means and the Senate Committee on Finance, urging the Governor and the Legislature to consider budgetary funding for a statewide computer database to track criminal records and adjudications that, among many other uses, could assist in identifying and expunging DNA records.

INCLUDE A POLICY STATEMENT

14. Include a policy statement in the final report recognizing and supporting the Nevada State Court Language Access Plan, which seeks to promote access to the courts by persons with limited English proficiency. This policy statement also urges the Legislature to study and address the issue of language access in other civil proceedings, such as administrative hearings and proceedings.

15. Include a policy statement in the final report urging the Governor and the Chair and Vice Chair of the Advisory Commission to continue working with the PEW Charitable Trusts and other technical assistance providers to further develop justice reinvestment type initiatives for Nevada.
16. Include a policy statement in the final report supporting: (1) the establishment of a Naloxone access law; (2) the amendment of NRS 41.500 (the “good samaritan” law) to allow for assistance to a victim of an overdose; (3) the amendment of NRS 484C.400 to remove the provision that failure to complete treatment is another crime; and (4) the amendment of NRS 453.336 for a second offense of possession of less than one ounce of marijuana to authorize, rather than require, a program of treatment and rehabilitation.

BULLETIN NO. 15-7

LEGISLATIVE COMMITTEE ON PUBLIC LANDS

Nevada Revised Statutes 218E.510

Members

Assemblyman Paul Aizley, Chair
Senator David R. Parks, Vice Chair
Senator Aaron D. Ford
Senator Pete Goicoechea
Senator Donald G. Gustavson
Assemblywoman Maggie Carlton
Assemblyman John C. Ellison
Assemblyman Ira Hansen
Tom Collins, Clark County Commissioner

Alternate Members

Senator Mark A. Manendo
Senator James A. Settelmeyer
Assemblywoman Irene Bustamante Adams
Assemblyman James Oscarson
Chris Giunchigliani, Clark County Commissioner

Staff Contacts

Research Division:

Jered M. McDonald, Senior Research Analyst
Michael J. Stewart, Chief Principal Research Analyst
Natalie J. Pieretti, Senior Research Secretary
(775) 684-6825

Legal Division:

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

Nevada Revised Statutes

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

1. There is hereby established a Legislative Committee on Public Lands consisting of four members of the Senate, four members of the Assembly and one elected officer representing the governing body of a local political subdivision, appointed by the Legislative Commission with appropriate regard for their experience with and knowledge of matters relating to public lands. The members who are Legislators must be appointed to provide representation from the various geographical regions of the State.

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

3. The members of the Committee shall select a Chair from one House and a Vice Chair from the other House. Each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the office of Chair or Vice Chair, the members of the Committee shall select a replacement for the remainder of the unexpired term.

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

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

6. The Legislative Commission may appoint alternates for members of the Committee. The Chair of the Committee:

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

(b) Shall appoint an alternate who is a member of the same House and political party as the regular member to serve in place of the regular member if one is available.

(Added to NRS by 1979, 5; A 1983, 209; 1985, 589; 2009, 1150, 1561; 2011, 3224)—(Substituted in revision for NRS 218.5363)

ABSTRACT

LEGISLATIVE COMMITTEE ON PUBLIC LANDS

Nevada Revised Statutes 218E.510

The Legislative Committee on Public Lands is a permanent committee of the Nevada Legislature created in 1983. Chapter 218E (“Legislative Investigations and Hearings; Legislative Commission and Other Committees”) of *Nevada Revised Statutes* sets forth the Committee’s authority and duties.

Nevada’s Legislative Committee on Public Lands monitors dozens of natural resource and public lands matters crucial to the State’s economy, lifestyles, and traditions. The Committee considers an extremely wide range of subjects, covering all facets of forest and range science; methods of public land management and oversight; resources associated with the public lands; and rural infrastructure and public services. Because most of Nevada’s lands (more than 85 percent) are under federal management, issues associated with public lands have long been a topic of interest for the Nevada Legislature.

The Committee held six meetings during the 2013–2014 Interim. The meetings took place in Carson City, Elko, Ely, Las Vegas, Tonopah, and Winnemucca.

The Committee received and discussed reports from:

- The Elko, Southern Nevada, and Winnemucca District Offices, and the Nevada State Office of the Bureau of Land Management (BLM), United States Department of the Interior (DOI);
- The Humboldt-Toiyabe National Forest and its Austin/Tonopah, Carson, Elko, Jarbidge, and Santa Rosa Ranger Districts, and the Spring Mountains National Recreation Area, U.S. Forest Service, U.S. Department of Agriculture;
- The Nevada State Office of the U.S. Fish and Wildlife Service, DOI;
- Nellis Air Force Base (NAFB);
- Carson City and Clark, Elko, Esmeralda, Eureka, Lincoln, Nye, and White Pine Counties;
- The Carson Water Subconservancy District; the Central Nevada Regional Water Authority; the Colorado River Commission of Nevada; the Humboldt River Basin Water Authority; the Lincoln County Water District; the Nye County Water District; the Pershing County Water Conservation District; the Southern Nevada Water Authority; the Truckee Meadows Water Authority; and the Virgin Valley Water District;

- The Division of Environmental Protection, Division of Forestry, Division of State Lands, and Division of Water Resources, and the Sagebrush Ecosystem Program, within the State Department of Conservation and Natural Resources;
- The State Department of Agriculture;
- Nevada's Department of Wildlife;
- The Desert Research Institute;
- Nevada's Division of Minerals; and
- Commission on Mineral Resources.

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

- Activities and programs in southern Nevada relating to the Southern Nevada Public Land Management Act of 1998;
- The Nevada Land Management Task Force;
- Activities related to public lands at NAFB;
- Review of the BLM's ongoing Environmental Assessment titled, *Management and Mitigation for Drought Impacted Rangelands*;
- The Crescent Dunes Solar Energy Project;
- The funding structure for firefighting efforts on public lands in Nevada;
- Agriculture and grazing activities and related issues;
- Mining activities, regulations, and policies; and
- Fire suppression programs and efforts for the 2014 Fire Season.

At its work session in Carson City, the Committee approved five proposals for drafting legislation and nine proposals for letters or including statements in the final report. The topics covered included:

- General public lands issues;
- Grazing on public lands;
- The Greater Sage-grouse;
- Water resources and water supplies;
- Wild horses and burros; and
- Wildfire suppression.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON PUBLIC LANDS

Nevada Revised Statutes 218E.510

This summary presents the recommendations approved by the Legislative Committee on Public Lands during the 2013–2014 Legislative Interim at its second meeting held on March 24, 2014, in Winnemucca, Nevada, and at its final meeting held on August 28, 2014, in Carson City, Nevada. The bill draft requests (BDRs) will be forwarded to the Legislative Commission for transmittal to the 78th Session of the Nevada Legislature in 2015.

RECOMMENDATIONS FOR LEGISLATION

1. Draft a legislative resolution supporting the State Plan developed by the Sagebrush Ecosystem Council, State Department of Conservation and Natural Resources (SDCNR), to ensure sagebrush habitats are conserved and managed in accordance with the State Plan and in coordination with local government plans, policies, and actions. The resolution should express support for the State Plan and urge the federal government not to list the sage-grouse under the Endangered Species Act of 1973. **(BDR R–480)**
2. Request the drafting of a bill to create a statewide committee consisting of all water authorities, the Colorado River Commission of Nevada, and the Division of Water Resources (DWR), SDCNR, to study current and future water supply and allocation levels in Nevada, including the State’s capabilities and need to measure annual pumpage amounts, water resource budgets, and annual groundwater levels. The study should result in sufficient data that can be used to create a long-term statewide water plan and water supply program. **(BDR –481)**
3. Request the drafting of a bill amending Chapter 519A (“Reclamation of Land Subject to Mining Operations or Exploration Projects”) of *Nevada Revised Statutes* (NRS), and other chapters of NRS as appropriate, to require that applicants to Nevada’s Division of Environmental Protection (NDEP) seeking a waiver from mine reclamation regarding pit lakes be required to demonstrate that they hold a water right covering pit lake evaporation as a condition of approval of said waiver. **(BDR 46–482)**
4. Request the drafting of a bill to appropriate at least \$300,000 for a grant or grants to support cloud seeding activities in Nevada, giving preference to grant applicants who offer matching funds. **(BDR –483)**
5. Request the drafting of a bill to amend Chapter 244 (“Counties: Government”) of NRS, to create nonprofit Rangeland Fire Protection Associations in each county. **(BDR 42–484)**

**RECOMMENDATIONS FOR COMMITTEE ACTION:
COMMITTEE LETTERS**

6. Send a letter to the Director, United States Bureau of Land Management (BLM), U.S. Department of the Interior (DOI), to invite the Director to a future meeting of the Legislative Committee on Public Lands to discuss land management issues. The letter should also include a summary of witness comments made during a meeting concerning grazing reductions on public lands.
7. Send a letter to the Chief of the U.S. Forest Service (USFS), U.S. Department of Agriculture; the Forest Supervisor of the Humboldt-Toiyabe National Forest; the Director of the BLM; and the Nevada State Director, BLM, encouraging the USFS and the BLM to promote and develop a system to allow more private citizens to cut Pinyon-juniper within defined limits in USFS and BLM designated areas without a permit.
8. Send a letter to the Chairs of the U.S. Senate Committee on Energy and Natural Resources and the U.S. House Committee on Natural Resources, Nevada's Congressional Delegation, and the Secretary of the DOI urging action to provide adequate resources to fully implement the Wild Free-Roaming Horse and Burros Act (WH&B) of 1971, including the necessary funding to determine appropriate management levels as required in the Act.
9. Send a letter to Nevada's Attorney General requesting that Nevada consider joining the Nevada Association of Counties' legal challenge to compel the BLM to manage wild horse and burro herds as required by federal law under the WH&B Act and subsequent amendments.
10. Send a letter encouraging the BLM, the USFS, and grazing permittees to pursue efforts to ensure that: (1) management decisions are based upon the best rangeland science; (2) flexibility is built into grazing permits to allow for adaptive management as issues and concerns arise; and (3) the quality and quantity of data collected can support all decisions made based on clear and measureable resource objectives. Additionally, the letter should urge that before imposing grazing restrictions or seeking changes in livestock levels or seasons of permittee use, federal agencies, in coordination with grazing permittees, must identify and implement: (1) all economically and technically feasible livestock distribution; (2) forage production enhancements; (3) weed control programs; (4) prescribed grazing systems; (5) off-site water development by water rights holders; (6) shrub and Pinyon-juniper control; (7) salting and supplemental plans; (8) the establishment of riparian pastures; and (9) herding. The letter should further note that federal agencies, in coordination with grazing permittees, must assure that all grazing management actions and strategies fully consider the impacts on property rights holders and adjacent private landowners and consider the potential impacts of such actions on grazing animal health and productivity.

11. Send a letter to the Chairs of the Assembly Committee on Ways and Means and the Senate Committee on Finance expressing continued support for enhanced funding for the DWR to process the backlog of water rights applications and to improve online data sources.
12. Send a letter to the Chief of the USFS and the Forest Supervisor, Humboldt-Toiyabe National Forest, urging no further delay in approving and investing in water-related range improvements, notwithstanding USFS concerns with Nevada's water law concerning stock water rights.
13. Send a letter to NDEP requesting the reconsideration of the beneficial use designation of the Humboldt River. Testimony noted that NDEP's designation of the Humboldt River for municipal drinking water use results in an inappropriately high water quality standard.

**RECOMMENDATIONS FOR COMMITTEE ACTION:
STATEMENTS IN THE FINAL REPORT**

14. Include a statement in the final report supporting the streamlining of federal and State permitting activities on public lands, provided that such streamlining preserves necessary community and natural resource protections.

BULLETIN NO. 15-8

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

Nevada Revised Statutes 218E.555

Members

Assemblyman Michael Sprinkle, Chair
Senator Ben Kieckhefer, Vice Chair
Senator David R. Parks
Senator James A. Settelmeyer
Assemblyman Randy Kirner*
Assemblywoman Heidi Swank

Staff Contacts

Research Division:

Jennifer Ruedy, Principal Research Analyst
Lisa Gardner, Senior Research Secretary
(775) 684-6825

Fiscal Analysis Division:

Wayne Thorley, Program Analyst
(775) 684-6821

Legal Division:

Eileen O'Grady, Chief Deputy Legislative Counsel
Dan Reich, Deputy Legislative Counsel
(775) 684-6830

**Note: The Legislative Commission appointed Assemblyman Randy Kirner to the Committee on February 25, 2014, to replace Assemblyman Peter Livermore who resigned from the Committee.*

Nevada Revised Statutes

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

[Effective October 1, 2015, unless: (1) on or before January 1, 2014, the Governor of this State issues a proclamation that the State of California has enacted legislation which satisfies the requirements set forth in section 7 of chapter 424, Statutes of Nevada 2013, at page 2368; or (2) before October 1, 2015, the amendments to the Tahoe Regional Planning Compact proposed by this State in 2011 are approved pursuant to Public Law 96-551, the State of California enacts amendments that are substantially identical to those amendments, and the governing board of the Tahoe Regional Planning Agency adopts an update to the 1987 Regional Plan, or effective October 1, 2017, if those events have not taken place by July 1, 2015, and the Governor of this State issues a proclamation before October 1, 2015, that those events are likely to take place in the reasonably foreseeable future but those events do not take place by September 30, 2017.]

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

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

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

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

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

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

(Added to NRS by [2003, 2504](#); A [2009, 1152, 1562](#); [2011, 3227, 3734](#); [2013, 2367](#), effective October 1, 2015, unless: (1) on or before January 1, 2014, the Governor of this State issues a proclamation that the State of California has enacted legislation which satisfies the requirements set forth in section 7 of chapter 424, [Statutes of Nevada 2013, at page 2368](#); or (2) before October 1, 2015, the amendments to the Tahoe Regional Planning Compact proposed by this State in 2011 are approved pursuant to Public Law 96-551, the State of California enacts amendments that are substantially identical to those amendments, and the governing board of the Tahoe Regional Planning Agency adopts an update to the 1987 Regional Plan, or effective October 1, 2017, if those events have not taken place by July 1, 2015, and the Governor of this State issues a proclamation before October 1, 2015, that those events are likely to take place in the reasonably foreseeable future but those events do not take place by September 30, 2017)—(Substituted in revision for NRS 218.53871)

ABSTRACT

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

Nevada Revised Statutes 218E.555

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

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

The Committee held six meetings in the Lake Tahoe Basin during the 2013–2014 Interim. The meetings addressed a variety of issues, programs, and activities pertaining specifically to the TRPA and Marlette Lake Water System, and relating generally to the Lake Tahoe Basin and the Carson Range. As a result of these hearings, the Committee voted to request one bill draft and to send seven Committee letters.

SUMMARY OF RECOMMENDATIONS

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

Nevada Revised Statutes 218E.555

This summary presents the recommendations approved by the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency (TRPA) and the Marlette Lake Water System during the 2013–2014 Interim. The bill draft request (BDR) will be forwarded to the Legislative Commission for transmittal to the 78th Session of the Nevada Legislature in 2015.

RECOMMENDATION FOR LEGISLATION

1. On August 25, 2014, the Committee voted unanimously to request legislation for a resolution to urge Congress to facilitate the release of the federal grant funds previously awarded to the Nevada Fire Safe Council (NFSC) for hazardous fuels treatment in the Lake Tahoe Basin. **(BDR R-431)**

RECOMMENDATIONS FOR COMMITTEE LETTERS

2. On May 2, 2014, the Committee voted unanimously to send a letter to Eric H. Holder, Jr., Attorney General, United States Department of Justice, to request assistance in securing the immediate release of the federal grant funds previously awarded to the NFSC for hazardous fuels treatment in the Lake Tahoe Basin.
3. On August 25, 2014, the Committee voted unanimously to send a letter to Governor Brian Sandoval in support of an increase in the Governor's *Executive Budget* for the 2015–2017 Biennium in an amount up to \$500,000 in each fiscal year for the TRPA funding request for the Lake Tahoe Aquatic Invasive Species Program.
4. On August 25, 2014, the Committee voted unanimously to send a letter to Governor Brian Sandoval to urge the issuance of the general obligation bonds authorized, but not yet sold, by Senate Bill 438 (Chapter 437, *Statutes of Nevada 2011*) to fund Nevada's apportioned share of the costs for the Lake Tahoe Environmental Improvement Program (EIP). Senate Bill 438 required an amount of not more than \$12 million through the sale of general obligation bonds be provided to carry out Nevada's share of the EIP. On March 11, 2014, the State Board of Finance approved the sale of \$1.5 million of these authorized bonds, and \$10.5 million remains to be issued.

5. On August 25, 2014, the Committee voted unanimously to send a letter to the Nevada State Office, Bureau of Land Management, U.S. Department of the Interior, and Nevada's Congressional Delegation, to commend the fire districts in the Lake Tahoe Basin for their work and to encourage continued funding of hazardous fuels projects in the Lake Tahoe Basin from the Southern Nevada Public Land Management Act (SNPLMA) of 1998.
6. On August 25, 2014, the Committee voted unanimously to send a letter to Governor Brian Sandoval in support of issuing the general obligation bonds authorized, but not yet issued, for the Conservation and Resource Protection Grant Program, commonly referred to as the "Question 1 Program." Specifically, the letter would support the \$2.1 million that is designated for the Stateline-to-Stateline Bikeway. On March 11, 2014, the State Board of Finance approved the sale of \$1.25 million of these authorized bonds. There is a remaining authority to issue more than \$19 million in these bonds.
7. On August 25, 2014, the Committee voted unanimously to send a letter to Governor Brian Sandoval in support of an increase in the Governor's *Executive Budget* for the 2015–2017 Biennium in the amount of \$85,000 in each fiscal year for the Division of State Parks, State Department of Conservation and Natural Resources. These funds will provide a match for federal transportation funding that was previously matched by SNPLMA funds. This will allow continued operation of the shuttle service operated by the Tahoe Transportation District between Incline Village and Sand Harbor State Park.
8. On August 25, 2014, the Committee voted unanimously to send a letter to all of Nevada's Congressional Delegation and those in California's Congressional Delegation whose districts include a portion of the Lake Tahoe Basin, in support of a revision to technical language in the reauthorization of the Moving Ahead for Progress in the 21st Century Act of 2012 (Public Law 112-141 – Map 21) to allow the Tahoe Metropolitan Planning Organization to receive federal formula funds for capital projects and transit services under Map 21.

BULLETIN NO. 15-9

LEGISLATIVE COMMITTEE ON EDUCATION

Nevada Revised Statutes 218E.605

Members

Senator Joyce Woodhouse, Chair
Assemblyman Elliot T. Anderson, Vice Chair
Senator Moises (Mo) Denis
Senator Aaron D. Ford
Senator Scott T. Hammond
Assemblywoman Marilyn Dondero Loop
Assemblyman Harvey J. Munford
Assemblyman Lynn D. Stewart

Staff Contacts

Research Division:

Todd M. Butterworth, Senior Research Analyst
Diane C. Thornton, Senior Research Analyst
Christina Harper, Senior Research Secretary
(775) 684-6825

Fiscal Analysis Division:

Andrea McCalla, Program Analyst
(775) 684-6821

Legal Division:

Risa B. Lang, Chief Deputy Legislative Counsel
Karly O’Krent, Deputy Legislative Counsel
(775) 684-6830

Nevada Revised Statutes

NRS 218E.605 Creation; membership; budget; officers; terms; vacancies.

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

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

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

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

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

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

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

(Added to NRS by [1997, 1775](#); A [2009, 1150](#), [1560](#); [2011, 3230](#))—(Substituted in revision for NRS 218.5352)

ABSTRACT

LEGISLATIVE COMMITTEE ON EDUCATION

Nevada Revised Statutes 218E.605

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

The LCE held seven meetings during the 2013–2014 Interim, once each month from January through August 2014, with no meeting in June. Because all members resided in Clark County, meetings were held in Las Vegas at the Grant Sawyer State Office Building and videoconferenced to the Legislative Building in Carson City.

Pursuant to the Committee's charge as provided in NRS 218E.615, the LCE considered a number of topics relating to elementary and secondary education and received presentations concerning: the needs of English Language Learners and students struggling with literacy; the administration of examinations, including Nevada's participation in the Smarter Balanced Assessment Consortium; school and student safety; the Nevada Academic Content Standards (originally adopted as the Common Core State Standards); student data privacy, security, and use; the statewide performance evaluation systems for teachers and administrators, and schools; teacher licensure; the professional development needs of teachers and administrators; educational technology, class-size reduction, Striving Readers, and several other existing K–12 education programs; charter schools; and issues relating to the Nevada System of Higher Education, including teacher preparation and student remediation.

At its work session on August 5, 2014, the Committee approved 7 proposals for drafting legislation to be considered by the 78th Session of the Nevada Legislature and another 15 proposals for issuing correspondence or including position statements in its final report. Bill draft requests relate to the following topics:

- School safety;
- Personnel;
- Student literacy;
- Funding of education; and
- Miscellaneous matters.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON EDUCATION

Nevada Revised Statutes 218E.605

The following is a summary of recommendations adopted by the Legislative Committee on Education (LCE) at the August 5, 2014, meeting. The Committee submits the following recommendations and bill draft requests (BDRs) to the 78th Session of the Nevada Legislature.

PROPOSALS RELATING TO SCHOOL SAFETY

1. **School Safety Planning**—Propose legislation relating to State-level planning, coordination, and responding to crisis and emergency situations, requiring school districts to submit their emergency plans to Nevada’s Department of Education (NDE) instead of the State Board of Education (SBE). The proposed changes require NDE to develop a sample emergency plan, with specified contents, for use by Nevada’s school districts. **(BDR 34–404)**
2. **Bullying Prevention**—Send a letter to the Nevada Association of School Superintendents and the Nevada Association of School Boards encouraging their members to consider implementing the student bullying survey, a tool used annually by the White Pine County School District, which has received national recognition for its effectiveness.

PROPOSALS RELATING TO CHARTER SCHOOLS

3. **Equal Access to Public Funds**—Include a statement in the final report that NDE should provide the governing body of each charter school in this State equal notice of opportunity to apply for funding when opportunities are made available to school districts.

PROPOSALS RELATING TO PERSONNEL

4. **Educator Professional Development Governance**—Propose legislation to conduct an interim study of professional development for teachers and administrators in Nevada to include, but not limited to, content delivery, governance, program quality and evaluation, required funding, and standards. The study is to address professional development provided by school districts, charter schools, and the Regional Professional Development Programs (RPDPs), as well as the relationship of each to NDE. Further, the study will determine the impact of professional development on instruction and achievement. The results of the study will be reported to the 2017 Nevada Legislature. **(BDR R–406)**

5. **Teacher Reemployment Notices**—Propose legislation to allow local school boards, in odd-numbered years, to extend from May 1 to May 15 the deadline to notify post-probationary employees of their reemployment status for the next school year. Further, require notice of such an extension be provided by April 1 to the recognized employee organization that represents the employee, or directly to an unrepresented post-probationary employee. For any licensed employee receiving notice under this optional extension, the deadline shall be extended from May 10 to May 25 for the employee to notify the local school board of his or her acceptance of the employment offer. **(BDR 34–405)**
6. **Long-Term Substitute Teachers**—Include a statement in the final report urging Nevada’s school districts to track both the number and duration of long-term substitute teachers employed in the classroom so this data may be used to determine the impact of substitute teachers on student or school performance.
7. **Personnel Demographic Data**—Include a statement in the final report urging school districts, whenever practical and possible, to track and report school-level personnel demographic data.
8. **Teacher Preparation**—Send a letter from the Committee to the SBE encouraging the Board, through policy or regulation, to:
 - a. Link the State’s databases on teacher licensure and teacher performance evaluation;
 - b. Create minimum performance standards for courses of study and training for the education of teachers based upon metrics that consider graduate effectiveness;
 - c. Prescribe improvement plans for teacher preparation programs not meeting performance standards; and
 - d. Collect and report qualitative feedback from individuals enrolled in teacher preparation programs.
9. **Training for Paraprofessionals**—Include a statement in the final report urging Nevada’s school districts and the RPDs, whenever possible and practical, to deliver paraprofessional training simultaneously to the paraprofessional and the teacher with whom they work.

PROPOSALS RELATING TO STUDENT LITERACY

10. **Expand Student Demographic Reporting**—Propose legislation to require the annual report of accountability, prepared by the board of trustees of each school district, to include information regarding pupils in each reported racial demographic group, including those who are identified as multi-racial and who are eligible for Free and Reduced Lunch under federal guidelines. The information reported about such pupils shall include their:

- a. Overall number and percentage;
 - b. Achievement and proficiency in comparison to the general student population;
 - c. Retention rate;
 - d. Graduation rate;
 - e. Dropout rate;
 - f. Average grade point averages; and
 - g. Average scores on examinations administered pursuant to NRS 389.550, 389.805, and 389.807. **(BDR 34–407)**
11. **Home Language Survey**—Propose legislation to require the SBE to adopt regulations requiring a single, statewide home language survey protocol to be used by public school districts and charter schools to evaluate whether a pupil is required to be screened for classification as an English Language Learner (ELL). **(BDR 34–408)**
- Prekindergarten Program Evaluation**—Propose legislation to require the SBE to adopt regulations requiring consistent, statewide quality and evaluation measures for public and private prekindergarten programs and requiring the use of appropriate assessment tools to identify Dual Language Learners (DLL). The regulations shall further require that prekindergarten pupils identified, upon enrollment for kindergarten, as DLL be screened for identification as ELL and be classified as either ELL or English proficient according to the screening results.
- Additionally, the SBE must request, on the proposed regulations, the input of the State Public Charter School Authority (SPCSA) and those school districts with more than 10 percent of enrolled students classified as ELL. **(BDR 34–408)**
12. **Federal Support of Prekindergarten DLL**—Send a letter from the Committee to Nevada’s congressional delegation urging them to propose or support legislation providing federal funding for language services and supports, including those for prekindergarten DLL, and highlighting Nevada’s concerns about ELL accountability related to forthcoming federal sanctions.

PROPOSALS RELATING TO THE NEVADA SYSTEM OF HIGHER EDUCATION

13. **College Readiness**—Send a letter from the Committee to the Nevada System of Higher Education, NDE, each school district, and each charter school encouraging them to collaboratively produce and make available a document that shows pupils and parents the courses and test scores necessary in high school, to ensure a pupil will not need to enroll in remedial courses in college.

PROPOSALS RELATING TO FUNDING OF EDUCATION

14. **K-12 Public Education Stabilization Account**—Redraft Senate Bill 435 from the 2013 Legislative Session to establish the K-12 Public Education Stabilization Account. Funding reverting to the Distributive School Account (DSA) at the end of odd-numbered years would be transferred to the Stabilization Account. Authorize the Superintendent of Public Instruction to request a transfer of funds from the Stabilization Account to the DSA when there is a shortfall in the DSA. The request would be made of the Legislature when in session or of the Interim Finance Committee during the interim period between sessions. **(BDR 31-409)**

PROPOSALS RELATING TO MISCELLANEOUS MATTERS

15. **Committee Alternates**—Send a letter from the Committee to the Legislative Commission urging them to propose legislation requiring the appointment of alternate members to the LCE.
16. **Disparities in Student Discipline**—Include a statement in the final report urging the LCE to study, during the 2015–2016 Interim, disparities in the frequency and severity of discipline among various demographic groups in Nevada’s K–12 schools.
17. **Student Advancement**—Include a statement in the final report emphasizing the necessity for students to demonstrate grade-level competency in English language arts by the end of third grade and mathematics by the end of sixth grade.
18. **Student Advancement**—Include a statement in the final report and send letters to the SBE, the SPCSA, and Nevada’s school districts, encouraging the lengthening of the school day and school year to better enable schools to meet the educational achievement needs of each pupil. Further, urge consideration of school day start and finish times that are responsive to the research showing pupils perform better when receiving adequate rest.
19. **Pupil Wellness**—Send a letter from the Committee encouraging the SPCSA and Nevada’s school districts to make student wellness information available to the public on the Internet. Such information should include:
 - a. Whether the school district has a wellness policy;
 - b. Whether the district completed the Nevada State Wellness Policy Evaluation;
 - c. If available, the district’s Nevada State Wellness Policy Evaluation score for the most recent year; and
 - d. The district’s plan for improving or maintaining the wellness of pupils.

20. **End-of-Course Exams**—Send a letter from the Committee to NDE urging the Department to include in its vendor contract(s) for end-of-course exams a requirement the vendor provide parallel constructed materials; these may include practice exams and other materials. Furthermore, the letter shall encourage NDE to share such materials with those entities providing professional development to education professionals in Nevada for use in training and the development of further support materials for teachers and students.
21. **School Facilities**—Include a statement in the final report:
 - a. Urging the Legislature to explore a State-level public school capital construction fund, similar to those created in Colorado and New Mexico;
 - b. Urging the Legislature to explore a per-pupil facilities allowance for each charter school in Nevada based upon historical school facilities costs in the State; and
 - c. Expressing the Committee’s opinion that no State or local entity should impose any facility- or site-related requirements on a charter school that are stricter than those applied to traditional public schools.
22. **Teacher Evaluation**—Propose legislation to reduce, from 50 percent to 40 percent, the percentage of pupil achievement data that must be accounted for in each performance evaluation of a school administrator or licensed education personnel. This provision shall expire July 1, 2017. **(BDR 34–410)**

BULLETIN NO. 15-10

LEGISLATIVE COMMITTEE ON CHILD WELFARE AND JUVENILE JUSTICE

Nevada Revised Statutes 218E.705

Members

Assemblyman Jason M. Frierson, Chair
Senator Tick Segerblom, Vice Chair
Senator Scott T. Hammond
Senator Ruben J. Kihuen
Assemblyman John Hambrick
Assemblyman James Ohrenschall

Staff Contacts

Research Division:

Patrick Guinan, Principal Research Analyst
Janet Coons, Senior Research Secretary
(775) 684-6825

Legal Division:

Bryan Fernley-Gonzalez, Principal Deputy Legislative Counsel
Karly O’Krent, Deputy Legislative Counsel
(775) 684-6830

Nevada Revised Statutes

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

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

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

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

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

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

(Added to NRS by [2009, 2545](#); A [2011, 3233](#))

ABSTRACT

LEGISLATIVE COMMITTEE ON CHILD WELFARE AND JUVENILE JUSTICE

Nevada Revised Statutes 218E.705

The Legislative Committee on Child Welfare and Juvenile Justice was established in 2009 with the Nevada Legislature's passage of Senate Bill 3 (Chapter 452, *Statutes of Nevada*). During the course of the 2013–2014 Interim, the Committee held four meetings, including a work session. All of the meetings were held at the Grant Sawyer State Office Building in Las Vegas with simultaneous videoconferencing to the Legislative Building in Carson City. The summaries of testimony and exhibits are available online at: <http://www.leg.state.nv.us/Interim/77th2013/Committee/StatCom/ChildWelfare/?ID=54>.

During the 2013 Legislative Session, the Legislature approved Assembly Bill 202 (Chapter 483, *Statutes of Nevada*), which created the Legislative Committee on Child Welfare and Juvenile Justice's Task Force to Study Juvenile Justice Issues. The bill set out a specific set of issues for the Task Force to study and required that the Task Force report its findings and recommendations to the full Committee for consideration prior to the start of the 2015 Legislative Session. The Task Force conducted two public hearings, both in the same manner as described above regarding the Committee. The Task Force's recommendations that were approved by the Committee are included in the Summary of Recommendations. The complete list of Task Force recommendations is included as part of the Legislative Counsel Bureau Bulletin No. 15-10, *Summary Bulletin of Reports of the Legislative Commission to the 78th Session of the Nevada Legislature, January 2015*. Summaries of testimony and exhibits are available online at: <http://www.leg.state.nv.us/Interim/77th2013/Committee/StatCom/JuvJustTaskForce/?ID=76>.

During its first three meetings, the Committee received formal presentations and expert and public testimony on a broad range of topics involving child welfare and juvenile justice. Issues included: (1) the revision of laws related to the protection of children; (2) improvements to Nevada's child support collection practices; (3) crossover populations in the child welfare and juvenile justice systems; (4) reforms being considered by the Supreme Court of Nevada's Commission on Statewide Juvenile Justice Reform; (5) protection of juvenile victims of domestic sex trafficking; (6) Nevada's differential response program for responding to allegations of child abuse and neglect; (7) sentencing and incarceration of juvenile offenders; (8) disproportionate contact with and disparate outcomes for minority populations involved in the child welfare and juvenile justice systems; and (9) challenges in securing consistent funding for programs in both the child welfare and juvenile justice arenas.

During its final meeting and work session, the Committee adopted ten recommendations for bill draft requests to be considered by the 2015 Nevada Legislature concerning foster care related background checks; the incarceration and prosecution of juveniles, including juvenile competency; and laws governing the protection of children.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON CHILD WELFARE AND JUVENILE JUSTICE

Nevada Revised Statutes 218E.705

This summary presents the recommendations adopted by the Legislative Committee on Child Welfare and Juvenile Justice during its July 18, 2014, meeting. The Committee submits the following recommendations and bill draft requests (BDRs) to the 78th Session of the Nevada Legislature.

RECOMMENDATIONS FOR LEGISLATION

Direct File of Juvenile Offenders

1. Draft legislation amending the *Nevada Revised Statutes* (NRS) to provide that if a child is charged as an adult under “direct file” provisions (NRS 62B.330) but is found not guilty of the direct file charge, the district court may return the child to juvenile court to address any lesser included charge. **(BDR 5–186)**

Juvenile Competency

2. Draft legislation to create a new juvenile competency chapter under Title 5 (“Juvenile Justice”) of NRS. The chapter will outline the process of determining competency in juvenile proceedings, including the appointment of experts, competency evaluations, hearings on competency, findings, and orders of the court. **(BDR 5–188)**

School Discipline

3. Draft legislation to: (1) amend subsections 1 and 3 of NRS 392.466 to allow the superintendent of schools the discretion to waive the expulsion requirement for battery, the sale or distribution of a controlled substance, and status as a habitual disciplinary problem; and (2) remove language in subsection 1 of NRS 392.910, which makes the use of vile or indecent language within a school a misdemeanor. **(BDR 34–189)**

Custody—Best Interests of the Child

4. Draft legislation amending subsection 4(f) of NRS 125.480 relating to child custody. In determining the “best interests of the child” and regarding the mental health of the parents, the subsection would now include the following or similar language: The mental and physical health of the parents, “*including the abuse of alcohol, prescription medications and other legal or illegal substances. The court may require independent corroboration of an allegation that a parent is habitually or continually using controlled substances or illegal drugs.*” **(BDR 11–190)**

Rehoming of Adopted Children

5. Draft legislation amending Chapter 432B (“Protection of Children from Abuse and Neglect”) and/or Chapter 127 (“Adoption of Children and Adults”) of NRS in order to define the words “rehoming,” “advertise,” “adoption disruption,” and “adoption dissolution,” and address the delegation of parental responsibility through power of attorney or guardianship for the purposes of rehoming. **(BDR 11–191)**

Child Welfare

6. Draft legislation amending Chapter 432B of NRS to adequately reflect the wide range of “entities,” beyond just a “person,” that may be responsible for negligent treatment, maltreatment, abuse, or neglect of a child. **(BDR 38–192)**

Foster Care

7. Draft legislation amending Chapter 424 (“Foster Homes for Children”) of NRS to provide statutory authority for the conduct of background checks on persons who are routinely found within a foster home environment. **(BDR 38–193)**

Funding for Child Welfare and Juvenile Justice Programs

8. Draft statutes similar to NRS 432B.219 creating: (1) a categorical grant to fund a program for youths who voluntarily remain under court jurisdiction until the age of 21; and (2) a categorical grant to fund a higher level of care for the most challenging youths in both the welfare and juvenile justice systems. **(BDR 38–194)**

Serving Notices in Child Welfare Matters

9. Draft legislation amending Chapter 432B of NRS to provide that the manner of serving a summons after a petition stating that a child is in need of protection has been filed with a court is the same as the manner of giving notice of an initial hearing after removal of the child from his or her home. **(BDR –195)**

Parental Rights and Family Reunification—Burden of Proof

10. Draft legislation aligning burdens of proof found in NRS 432B.393 and NRS 128.105 regarding the termination of parental rights, reasonable efforts to preserve and reunify a family, and clarifying that the burden of proof in Indian child welfare cases is “beyond a reasonable doubt.” **(BDR 38–196)**

COMMITTEE ACTIONS

In addition, the Committee directed staff to:

1. Draft a letter to the Supreme Court of Nevada's Commission on Statewide Juvenile Justice Reform urging its support for the development of a Memorandum of Understanding (MOU) between the Department of Corrections (DOC) and the various juvenile offender facilities in Nevada, which would provide for the transfer of youthful offenders from DOC facilities to juvenile facilities.
2. Draft a letter to the Commission urging it to review the following items and make recommendations to the Legislature based upon its findings:
 - a. Consider requesting legislation mandating the transfer of youthful offenders under 18 years old to juvenile facilities;
 - b. Conduct fact-finding visits to co-located facilities, MOU-based facilities, and facilities under statutory juvenile series management in other states;
 - c. Conduct further study prior to moving forward with a Capital Improvement Program for the building of a co-located facility in Nevada;
 - d. Consider requesting legislation to amend subsection 4 of NRS 62C.030 to make housing a juvenile in a juvenile detention facility the "default" regardless of the charge and require the State to petition the court to transfer the juvenile to an adult facility pending the upcoming court process if the State so chooses; and
 - e. Support the conduct of a "trial period" housing youths from the Nevada Youth Training Center at the Jan Evans Juvenile Justice Center.

BULLETIN NO. 15-11

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

Nevada Revised Statutes 218E.750

Members

Assemblywoman Teresa Benitez-Thompson, Chair
Senator Patricia (Pat) Spearman, Vice Chair
Senator Mark A. Hutchison
Senator Mark A. Manendo
Assemblywoman Ellen B. Spiegel
Assemblyman Jim Wheeler

Staff Contacts

Research Division:

Kirsten Coulombe, Senior Research Analyst
Marsheilah D. Lyons, Supervising Principal Research Analyst
Tarron L. Collins, Senior Research Secretary
Maysha Watson, Senior Research Secretary
(775) 684-6825

Legal Division:

Heidi A. Chlarson, Principal Deputy Legislative Counsel
James W. Penrose, Senior Principal Deputy Legislative Counsel
(775) 684-6830

Nevada Revised Statutes

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

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

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

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

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

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

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

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

(Added to NRS by [2009, 2412](#); A [2011, 3235](#))

ABSTRACT

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

Nevada Revised Statutes 218E.750

During the 75th Legislative Session, the Nevada Legislature passed Assembly Bill 9 (Chapter 430, *Statutes of Nevada 2009*), which created the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs. The Committee's membership, powers, and duties are codified in *Nevada Revised Statutes* (NRS) 218E.750 and 218E.760.

During the 2013–2014 Interim, the Committee met four times (January 15, May 21, July 9, and August 15, 2014) in the Legislative Building in Carson City, Nevada. All meetings were videoconferenced to the Grant Sawyer State Office Building in Las Vegas, Nevada.

The Committee heard presentations on services available to seniors such as Medicaid waivers, senior centers, and public transportation. There was also discussion on skilled nursing facilities related to the roles of ombudsmen, inspection processes, and Nevada's grade in the 2013 Nursing Home Report Card.

In regard to veterans' issues, Committee members received information on the Green Zone Initiative and services offered by the Department of Veterans' Services, such as advocacy, community outreach, memorial cemeteries, and State veterans' homes. Members also discussed wait times for patients to receive services at Veterans Health Administration medical centers.

Lastly, the Committee also reviewed topics and services available to adults with special needs. Some of the topics covered included interpreter services and devices for persons who are deaf or hard of hearing, assistive technology for persons who are blind or visually impaired, integrated employment, guardianship, and updates on Nevada's *Olmstead* plan.

At the fourth and final meeting, the Committee held a work session, at which members considered 14 recommendations. The members voted to forward five bill draft requests (BDRs) to the 78th Session of the Nevada Legislature, send eight letters of support to various entities, and include one encouraging statement in the Committee's final report. The Committee's BDRs related to the following topics:

- Employment of adults with special needs;
- Medical and other related facilities;
- Health care decisions; and
- Services for persons who are deaf or hard of hearing.

SUMMARY OF RECOMMENDATIONS

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

Nevada Revised Statutes 218E.750

This summary presents recommendations approved by the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs at its final work session meeting on August 15, 2014. The bill draft requests (BDRs) will be submitted to the 78th Legislative Session for its consideration in 2015.

RECOMMENDATIONS FOR LEGISLATION

1. Draft a bill to require the Aging and Disability Services Division (ADSD), Department of Health and Human Services (DHHS), in its application process for Jobs and Day Training providers, to give preference to applicants who employ persons with disabilities at or above minimum wage. **(BDR 39–416)**
2. Draft a bill to improve resident care in skilled nursing facilities by:
 - a. Establishing staffing ratios in skilled nursing facilities of 4.1 hours of direct care per resident, comprising 2.8 hours for certified nursing assistants and 1.3 hours for licensed staff, as recommended by the National Consumer Voice for Quality Long-Term Care; and
 - b. Establishing a maximum time of 20 minutes by which staff of a nursing facility must respond to a resident's request for assistance through the use of a call light. **(BDR 40–417)**
3. Draft a bill to create a Power of Attorney for Health Care Decisions for persons with intellectual or developmental disabilities. This form would be different from the Power of Attorney for Health Care Decisions form set forth in *Nevada Revised Statutes* (NRS) 162A.860. The new form would enable adults over 18 years of age with intellectual or developmental disabilities to receive assistance in making medical decisions. **(BDR 13–418)**
4. Draft a bill to broaden the scope of the Program to Provide Devices for Telecommunication to Persons With Impaired Speech or Hearing by amending the statutes (primarily Chapter 427A ["Services to Aging Persons and Persons With Disabilities"] of NRS) to include assistance services and a nonexclusive list of activities in which the service centers may engage. **(BDR 38–419)**
5. Draft a bill to establish an advisory board to assist the ADSD in the oversight of interpreters as set forth in Chapter 656A ("Interpreters and Realtime Captioning Providers") of NRS. **(BDR 54–420)**

RECOMMENDATIONS FOR COMMITTEE LETTERS

6. Send a letter to the Governor, the DHHS, the Department of Employment, Training and Rehabilitation (DETR), and the Department of Education in support of Executive Order 2014-16, “Establishing the Governor’s Taskforce on Integrated Employment,” for persons with intellectual and developmental disabilities.
7. Send a letter to the Governor, the Senate Committee on Finance, and the Assembly Committee on Ways and Means in support of the request for seven new positions in the Rehabilitation Division, DETR, budget for Fiscal Year 2016–2017.
8. Send a letter to the Senate Committee on Finance and the Assembly Committee on Ways and Means in support of maintaining efforts by the Rehabilitation Division, DETR, to maximize federal funding for integrated employment.
9. Send a letter to the Governor, the Senate Committee on Finance, and the Assembly Committee on Ways and Means in support of increasing the Medicaid reimbursement rate for providers of Jobs and Day Training in the *Executive Budget* for the 2015–2017 Biennium.
10. Send a letter to the DHHS in support of additional positions within the Bureau of Health Care Quality and Compliance, Division of Public and Behavioral Health, for the purpose of conducting inspections at medical and other related facilities.
11. Send a letter to the DHHS in support of increased funding for the State Long-Term Care Ombudsman Program in the *Executive Budget* for the 2015–2017 Biennium.
12. Send a letter to the DHHS in support of an ADSD budget request to update the strategic plans for senior citizens and persons with disabilities, including a revised Nevada *Olmstead* plan, in the *Executive Budget* for the 2015–2017 Biennium.
13. Send a letter to the Governor, the DHHS, the Senate Committee on Finance, and the Assembly Committee on Ways and Means in support of increased funding of approximately \$500,000 for independent living services in the ADSD budget for the 2015–2017 Biennium.

RECOMMENDATIONS FOR STATEMENTS IN THE FINAL REPORT

14. Include a statement in the final report in support of legislation similar to the Caregiver Advise, Record, Enable (CARE) Act.

BULLETIN NO. 15-12

LEGISLATIVE COMMITTEE ON ENERGY

Nevada Revised Statutes 218E.805

Members

Senator Kelvin D. Atkinson, Chair
Assemblywoman Marilyn Kirkpatrick, Vice Chair
Senator Aaron D. Ford
Senator Michael Roberson
Assemblyman David P. Bobzien
Assemblyman Crescent Hardy

Staff Contacts

Research Division:

Marji Paslov Thomas, Principal Research Analyst
Kelly S. Richard, Principal Research Analyst
Gayle Nadeau, Senior Research Secretary
(775) 684-6825

Legal Division:

Dan Yu, Principal Deputy Legislative Counsel
Matt Mundy, Senior Deputy Legislative Counsel
(775) 684-6830

Nevada Revised Statutes

NRS 218E.805 Creation of Legislative Committee on Energy; membership; budget; officers; terms; vacancies.

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

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

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

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

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

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

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

(Added to NRS by 2013, 3343)

ABSTRACT

LEGISLATIVE COMMITTEE ON ENERGY

Nevada Revised Statutes 218E.805

In 2013, the Nevada Legislature passed Assembly Bill 428 (Chapter 510, *Statutes of Nevada*), which established the Legislative Committee on Energy. The Committee is charged with evaluating, reviewing, and commenting upon matters related to energy policy including: (1) policies, plans, or programs relating to the production of energy consumption or use of energy in Nevada, economic development, or the environment; (2) legislative measures regarding energy policy; (3) the effect of any policy, plan, program, or legislation on rates or ratepayers, the development of a market in the State for electricity generated from renewable energy, or which provides for the construction or acquisition of facilities for the generation of electricity; (4) contracts or requests for proposals relating to the purchase of capacity; and (5) infrastructure and transmission requirements of any policy, plan, program, or legislation.

During the course of the 2013–2014 Interim, the Committee held four meetings, including a work session in Las Vegas, Nevada. The Committee was provided with formal presentations and expert and public testimony on a broad range of topics involving energy. These public hearings were conducted through simultaneous videoconferencing between meeting rooms at the Legislative Building in Carson City and the Grant Sawyer State Office Building in Las Vegas. The summaries of testimony and exhibits are available online at: <http://www.leg.state.nv.us/Interim/77th2013/Committee/Scheduler/committeeIndex.cfm?ID=64>.

During the final meeting and work session, the Committee adopted three recommendations as bill drafts for consideration during the 2015 Session of the Nevada Legislature. These recommendations for legislation include bill drafts concerning:

- Energy efficiency resource standard;
- State regulation of energy auditors; and
- Property Assessed Clean Energy (PACE) financing for the commercial market.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON ENERGY

Nevada Revised Statutes 218E.805

This summary presents the recommendations adopted by the Legislative Committee on Energy at its July 25, 2014, meeting. The Committee submits the recommendations listed below to the 2015 Nevada Legislature.

RECOMMENDATIONS FOR LEGISLATION

Energy Efficiency Resource Standard

1. Draft a bill to require an Energy Efficiency Resource Standard that complements the State's Renewable Portfolio Standard as defined in *Nevada Revised Statutes* (NRS) 704.7821. The bill would establish a separate, complementary standard that provides a consistent stimulus to the energy efficiency industry. **(BDR 58–210)**

State Regulation of Energy Auditors

2. Draft a bill to amend Chapter 645D (“Inspectors of Structures and Energy Auditors”) of NRS to allow a contractor licensed by the State Contractors’ Board, who is also licensed as an energy auditor, to prepare a bid for any improvements based on the energy audit report and perform such work. **(BDR 54–211)**

Property Assessed Clean Energy (PACE) Financing for Commercial Market

3. Draft a bill that is complementary to the existing PACE legislation established pursuant to Senate Bill 358 (Chapter 321, *Statutes of Nevada 2009*) and would create financing procedures for commercial projects. Investors in the commercial market would be responsible for the PACE loans via a property tax assessment. The bill would include creating an Energy Trust/Green Bank, which helps utility customers benefit from efficient energy use and generating renewable energy by offering services, cash incentives, and other energy solutions (via PACE legislation). **(BDR 58–212)**

BULLETIN NO. 15-13

SUNSET SUBCOMMITTEE OF THE LEGISLATIVE COMMISSION

Nevada Revised Statutes 232B.210

Members

Assemblywoman Irene Bustamante Adams, Chair
Senator David R. Parks
Senator Patricia (Pat) Spearman
Senator James A. Settelmeyer
Assemblyman Richard (Skip) Daly
Assemblywoman Michele Fiore
David Goldwater
William (Buzz) Harris
Teresa (Terry) Rankin

Staff Contacts

Research Division:

Carol M. Stonefield, Managing Principal Policy Analyst
Marjorie Paslov Thomas, Principal Research Analyst
Natalie J. Pieretti, Senior Research Secretary
(775) 684-6825

Legal Division:

James W. Penrose, Senior Principal Deputy Legislative Counsel
Heidi A. Chlarson, Principal Deputy Legislative Counsel
(775) 684-6830

Nevada Revised Statutes

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

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

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

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

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

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

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

4. The voting members of the Sunset Subcommittee shall elect a Chair from one House of the Legislature and a Vice Chair from the other House. Each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the office of Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

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

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

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

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

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

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

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

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

9. While engaged in the business of the Sunset Subcommittee, the members of the Subcommittee who are not Legislators are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

(Added to NRS by 2011, 2992; A 2013, 787)

ABSTRACT

SUNSET SUBCOMMITTEE OF THE LEGISLATIVE COMMISSION

Nevada Revised Statutes 232B.210

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

The Legislative Commission appointed nine members to the Subcommittee. The Subcommittee held a total of six meetings, including four work sessions, during the course of the study. All meetings were open to the public and conducted through simultaneous videoconferences between legislative meeting rooms at the Grant Sawyer State Office Building in Las Vegas, Nevada, and the Legislative Building in Carson City, Nevada. The public hearings provided an opportunity for each entity to make a presentation on its necessity and efficacy and the services it provides to the State. Further, the hearings allowed the public to comment on the presentations and raise additional issues relating to the entities.

The members reviewed 31 entities during the 2013–2014 Interim. The Subcommittee took action on each entity and made recommendations either to continue, continue with revisions, consolidate, terminate, or terminate and transfer functions to another entity.

In addition, the Subcommittee continued to monitor the activities of the Nevada Funeral and Cemetery Services Board, pursuant to the provisions of Assembly Bill 494 (Chapter 348, *Statutes of Nevada 2013*). It also received status reports from several entities about which it had made recommendations resulting from the study conducted in the 2011–2012 Interim.

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

SUMMARY OF RECOMMENDATIONS

SUNSET SUBCOMMITTEE OF THE LEGISLATIVE COMMISSION

Nevada Revised Statutes 232B.210

This summary presents the recommendations approved by the Sunset Subcommittee of the Legislative Commission at its work sessions, held on March 4, April 8, May 6, and June 4, 2014. The recommendations will be submitted to the Legislative Commission for its consideration and possible inclusion in a bill draft request to be forwarded to the 2015 Nevada Legislature.

Entities Continued

1. Advisory Committee on Participatory Democracy (NRS 225.240)
2. Board of Examiners for Long-Term Care Administrators (NRS 654.050)
3. Commission on Nuclear Projects (NRS 459.0091)
4. Land Use Planning Advisory Council (NRS 321.740)
5. Nevada Commission on Homeland Security (NRS 239C.120)
6. Nevada Equal Rights Commission (NRS 233.030)
7. Nevada Transportation Authority (NRS 706.1511)
8. State Apprenticeship Council (NRS 610.030)
9. State Historical Records Advisory Board (NRS 378A.030)
10. State Predatory Animal and Rodent Committee (NRS 567.020)

Entities Continued With Recommendations for Statutory Revisions

1. Advisory Commission on the Administration of Justice (NRS 176.0123)
2. Board for the Education and Counseling of Displaced Homemakers (NRS 388.615)
3. Committee to Approve Schedules for the Retention and Disposition of Official State Records (NRS 239.073)
4. Committee for the Statewide Alert System (NRS 432.350)
5. Employment Security Council (NRS 612.305)
6. Executive Council of the Land Use Planning Advisory Council (NRS 321.755)
7. Medical Care Advisory Group (NRS 422.151)
8. Nevada Commission for Women (NRS 233I.020)

Entities Consolidated

1. Board of Examiners for Audiology and Speech Pathology (NRS 637B.100)
2. Board of Hearing Aid Specialists (NRS 637A.030)

Entities Terminated

1. Advisory Board on Water Resources Planning and Development (NRS 540.111)
2. Advisory Committee Concerning the Children's Health Insurance Program (NRS 233A.104)
3. Advisory Committee Concerning Sickle Cell Anemia (NRS 442.118)
4. Advisory Committee to the Pharmacy and Therapeutics Committee and the Drug Use Review Board (NRS 422.4055)
5. Board of Trustees of the Fund for the Institutional Care of the Medically Indigent (NRS 428.470)
6. Collection Agency Advisory Board (NRS 649.047)
7. Nevada Academy of Health (NRS 439B.250)
8. Rural Advisory Board to Expedite Proceedings for the Placement of Children (NRS 432B.602)
9. State and Local Government Panel on Renewable and Efficient Energy (NRS 701.450)

Entities Terminated With Functions Transferred

1. Advisory Committee on the Arthritis Prevention and Control Program (NRS 439.503)
2. Advisory Committee for the Prevention and Treatment of Stroke and Heart Disease (NRS 439.492)

BULLETIN NO. 15-14

LEGISLATIVE COMMITTEE ON HEALTH CARE

Nevada Revised Statutes 439B.200

Members

Senator Justin C. Jones, Chair
Assemblywoman Marilyn Dondero Loop, Vice Chair
Senator Joseph (Joe) P. Hardy, M.D.
Senator Joyce Woodhouse
Assemblywoman Teresa Benitez-Thompson
Assemblyman James Oscarson

Staff Contacts

Research Division:
Marsheilah D. Lyons, Supervising Principal Research Analyst
Kirsten Coulombe, Senior Research Analyst
Sally Trotter, Principal Administrative Assistant
(775) 684-6825

Legal Division:
Risa B. Lang, Chief Deputy Legislative Counsel
Eric Robbins, Deputy Legislative Counsel
(775) 684-6830

Nevada Revised Statutes

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

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

2. No member of the Committee may:

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

3. The provisions of subsection 2 do not:

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

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

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

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

4. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program. The Legislative Commission shall select the Chair and Vice Chair of the Committee from among the members of the Committee. Each such officer shall hold office for a term of 2 years commencing on July 1 of each odd-numbered year. The office of the Chair of the Committee must alternate each biennium between the houses of the Legislature.

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

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

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

(Added to NRS by 1987, 863; A 1989, 1841; 1991, 2333; 1993, 2590; 2009, 1154, 1568)

ABSTRACT

LEGISLATIVE COMMITTEE ON HEALTH CARE

Nevada Revised Statutes 439B.200

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

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

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

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

The LCHC held a total of eight meetings, including two work sessions. All public hearings were conducted through simultaneous videoconferencing between legislative meeting rooms at the Grant Sawyer State Office Building in Las Vegas, Nevada, and the Legislative Building in Carson City, Nevada. The summaries of testimony and exhibits are available online at: <http://www.leg.state.nv.us/Interim/77th2013/Committee/StatCom/HealthCare/?ID=55>.

A variety of issues were addressed at the meetings of the LCHC. This document summarizes only those issues for which the LCHC made recommendations. These issues relate to:

- a. Behavioral Health;
- b. Children's Health;
- c. The Health Care Workforce;
- d. Rural and Community Health Centers;
- e. Health Insurance Coverage;
- f. Emergency Use of Epinephrine Auto-Injectors;
- g. Telemedicine;
- h. Autism Treatment and Services; and
- i. Persons With Alzheimer's Disease.

At the seventh and eighth meetings, the members conducted a work session at which they adopted 8 recommendations to be included in 8 bill draft requests (BDRs). The BDRs concern: (a) behavioral health; (b) health care workforce; (c) patient centered medical home model of care; (d) health insurance coverage; (e) autism treatment and services; (f) guardianship for persons with dementia; and (g) use of epinephrine auto-injectors in emergencies in public or private. Lastly, members authorized the Chair to include a statement of support in the final report and send 13 letters on behalf of the LCHC.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON HEALTH CARE

Nevada Revised Statutes 439B.200

This summary presents the recommendations approved by the Legislative Committee on Health Care (LCHC) (*Nevada Revised Statutes* [NRS] 439B.200) at its June 2, 2014, and August 26, 2014, meetings. The LCHC submits the following recommendations and bill draft requests (BDRs) to the 78th Session of the Nevada Legislature.

PROPOSALS RELATING TO BEHAVIORAL HEALTH

1. Redraft Senate Bill 323 (2013), which authorized the Division of Public and Behavioral Health (DPBH) of the Department of Health and Human Services (DHHS) to enter into a contract with a person, organization, or agency to carry out or assist in carrying out a program that allows certain defendants declared incompetent to receive outpatient treatment to restore competency while incarcerated in jail or prison. **(BDR 14-68)**
2. Send a letter to the DHHS and the Department of Employment, Training and Rehabilitation encouraging collaborative efforts to develop and expand supported employment programs for mentally ill persons.
3. Send a letter to the Senate Committee on Finance and the Assembly Committee on Ways and Means expressing the Committee's support for increasing the number of school-based psychologists, counselors, and social workers to help coordinate services and supports and to create effective links between schools and the community mental health system.
4. Send a letter to the Senate Committee on Finance, the Assembly Committee on Ways and Means, the DHHS, and Nevada's Department of Veterans Services expressing the Committee's support for mental health and other specialty courts. The letter will encourage collaboration to develop or support the development of:
 - a. Aggressive aftercare programs to check in with participants and encourage them to stay connected to necessary services, especially with medication management;
 - b. Additional supported housing options to increase stability;
 - c. Institutional support for the specialty court system;
 - d. Patient-aligned care teams in southern Nevada;

- e. Specialized psychiatric nursing homes for chronically ill patients who have previously been placed in group homes and have had frequent emergency readmissions to a mental health hospital or a detention center; and
 - f. A forensic psychiatric facility in southern Nevada.
5. Amend NRS by revising the emergency admission process outlined in Chapter 433A (“Admission to Mental Health Facilities or Programs of Community-Based or Outpatient Services; Hospitalization”) of NRS, related to emergency admissions in the following manner:
- a. Amend NRS 433A.160 and NRS 433A.200 to expand the types of professionals who may initiate taking a person into custody and who may file a petition for the involuntary court-ordered admission of a person to a mental health facility or hospital. In addition to the existing professionals authorized, add a physician’s assistant who is licensed pursuant to Chapter 630 (“Physicians, Physician Assistants, Medical Assistants, Perfusionists and Practitioners of Respiratory Care”) or Chapter 633 (“Osteopathic Medicine”) of NRS.
 - b. Add a new section to Chapter 433A of NRS authorizing a physician, a physician’s assistant, psychologist, social worker, registered nurse (including an advanced practice registered nurse), or an accredited agent of the DHHS to certify that a person admitted to a public or private mental health facility or hospital for evaluation, observation, and treatment is no longer likely to harm himself or herself or others if allowed his or her liberty. This certificate should meet the same requirements as a certificate for emergency admission filed pursuant to NRS 433A.160. This certificate is the same as the release of such a person pursuant to NRS 433A.195. Such a person may still be hospitalized if the person has other conditions requiring hospitalization.
(BDR 39–64)

PROPOSAL RELATING TO CHILDREN’S HEALTH

6. Draft a letter to the State Board of Health requesting that the Board consider the following guidelines in the adoption of licensing standards, practices, and policies of child care facilities pursuant to NRS 432A.077:
- a. Require child care entities governed by *Nevada Administrative Code* (NAC) 432A.380 to:
 - i. Establish age-appropriate portions;
 - ii. Limit the amounts of foods with added sugars or low nutritional value, with specific requirements regarding milk, milk products, and juice;

- iii. Encourage staff to set good examples by:
 - 1. Eating with the children (currently in NAC);
 - 2. Eating items that meet the United States Department of Agriculture Child and Adult Care Food Program (CACFP) standards; and
 - 3. Teaching children appropriate portion sizes;
- iv. Use meal patterns established by the CACFP;
- v. Develop a feeding plan with the child's parent that includes:
 - 1. Introduction of age-appropriate solid foods; and
 - 2. Encouragement and support for breastfeeding (offering on-site arrangement for mothers to breastfeed).
- b. Strengthen the standards for child care facility programs governed by NAC 432A.390 by defining the following terms in accordance with physical activity guidelines based on the developmental age of children:
 - i. Moderate physical activity;
 - ii. Vigorous physical activity;
 - iii. Muscular strengthening activities;
 - iv. Bone-strengthening activities;
 - v. Sedentary activities; and
 - vi. Screen/media time.
- c. Require child care facility programs governed by NAC 432A.390 to:
 - i. Provide a program of physical activity that includes moderate to vigorous activity for all children, in addition to daily periods of outdoor play (weather permitting);
 - ii. Require caregivers/teachers to participate in activities, when it is safe to do so; and
 - iii. Prohibit withholding or forcing physical activity as a form of discipline.
- 7. Draft a letter to the Division of Child and Family Services, DHHS, expressing support for the continuation and expansion of mobile crisis programs throughout the State of Nevada to improve the quality of children's mental health care by providing immediate

care and treatment in a variety of settings, including but not limited to, homes, schools, homeless shelters, and emergency rooms. Mobile crisis response programs reduce unnecessary psychiatric hospitalizations and placement disruptions of children and youth, and reduce the need for youth to go to emergency rooms or detention centers to have their mental and behavioral health needs addressed.

PROPOSALS RELATING TO THE HEALTH CARE WORKFORCE

8. Send a letter to the Senate Committee on Finance and the Assembly Committee on Ways and Means expressing the Committee's support for the development and expansion of Graduate Medical Education (GME). The letter will specifically request that as funding is available:
 - a. The number of residency slots within Nevada be increased. To fund a residency, an estimate of \$100,000 to \$110,000 a year was provided.
 - b. Medicaid funding for GME be revised to establish a method that reimburses hospitals with Medicaid payments that cover a proportionate share of the cost of the program.
9. Send a letter to Nevada's Congressional Delegation advocating for:
 - a. No additional GME funding cuts; and
 - b. Redistributing full-time equivalent resident slots to Nevada hospitals.
10. Send a letter to the DHHS and the Nevada System of Higher Education expressing the Committee's support for increasing the health care workforce in Nevada by formalizing the role of community health workers (CHWs) and encouraging the development of community paramedicine. Specifically as it relates to CHWs, the Committee supports the development of a CHW type that meets the requirements for Medicaid reimbursement. This effort should consider the necessity and feasibility of:
 - a. Changing the Nevada Medicaid State Plan to include CHWs as a provider type;
 - b. Establishing additional reimbursement mechanisms to support prevention services by CHWs;
 - c. Creating and expanding training programs for CHWs at the university and/or the community college level;
 - d. Creating a governing body to oversee CHW activities;
 - e. Educating providers and the community about the role of the CHW; and
 - f. Developing a pipeline of individuals interested in becoming a CHW.

11. Redraft Senate Bill 324, First Reprint (2013), which authorized certain qualified professionals who hold a license in another state or territory of the United States to apply for a license by endorsement to practice in this State. In addition, the measure authorized certain regulatory bodies to enter into a reciprocal agreement with the corresponding regulatory authority in another state or territory of the United States for the purposes of authorizing a licensee to practice concurrently in this State and another jurisdiction and the regulation of such licensees. In addition to other provisions, the measure authorized a medical facility to employ or contract with a physician to provide health care to patients of the medical facility. **(BDR 54-62)**

PROPOSALS RELATING TO RURAL AND COMMUNITY HEALTH CENTERS

12. Send a letter to the Senate Committee on Finance and the Assembly Committee on Ways and Means expressing the Committee's support for the expansion of Rural and Community Health Centers in Nevada. The letter will:
 - a. Convey the significant role Rural and Community Health Centers play in meeting the needs of the uninsured and underinsured.
 - b. Convey the significant return on investment received by states that have committed state funding to support the development or expansion of Rural and Community Health Centers by:
 - i. Establishing a state-funded Primary Care Grant that is used in part to support capital needs;
 - ii. Establishing competitive awards to support the start-up of a new health center and the expansion of existing health centers; and
 - iii. Providing funds to support technical assistance to develop proposals to secure federal funds through the New Access Program.
 - c. Encourage priority be given to provide financial support for these endeavors as it becomes economically feasible.
13. Include a statement of support in the final report for the development of an expedited credentialing process for providers who join the staff of an established Community Health Center.
14. Redraft Senate Bill 340, Second Reprint (2013), which proposed the creation of the Office for Patient-Centered Medical Homes and the Advisory Council on Patient-Centered Medical Homes. The redraft will exclude the provisions related to medical records. **(BDR 40-63)**

PROPOSAL RELATING TO HEALTH INSURANCE COVERAGE

15. Amend NRS to require any insurer issuing a policy of insurance to contract with any qualified providers who meet the terms of the insurer if:
 - a. The Division of Insurance, Department of Business and Industry, has determined that the insurer has an inadequate number of the specified provider types for all insurance including those required to have an adequacy review; or
 - b. The area in which the services are to be provided has been designated by the Health Resources and Services Administrations, U.S. Department of Health and Human Services, as a Health Professional Shortage Area. **(BDR 57–65)**

PROPOSAL RELATING TO THE EMERGENCY USE OF EPINEPHRINE AUTO-INJECTORS IN NEVADA

16. Amend NRS to authorize certain entities or organizations at which allergens capable of causing anaphylaxis may be present, including, but not limited to, amusement parks, recreation camps, restaurants, sports arenas, and youth sports leagues, to obtain and maintain a supply of epinephrine auto-injectors for emergency administration. Authorize a trained employee or agent of the entity or organization to administer an epinephrine auto-injector under certain circumstances. **(BDR 40–66)**

PROPOSAL RELATING TO TELEMEDICINE

17. Draft a letter supporting the advancement of Telemedicine in Nevada. Acknowledging the efforts of the Nevada Broadband Task Force and other entities in promoting telemedicine as a “standard of care” and recognizing how telemedicine supports:
 - a. The expansion of services to patients in rural and urban communities;
 - b. Inadequate provider distribution;
 - c. Access to high-quality, cost-effective care;
 - d. The reduction of health care spending caused by treatment delays;
 - e. Increased convenience when:
 - i. Licensed health care facility limits are removed;
 - ii. Health care provider licensing is clarified; and
 - iii. All telemedicine-enabled care is able to be provided;

- f. Increased innovation and investment when reimbursement parity is provided for covered services;
- g. Strengthening the health care infrastructure; and
- h. Economic development by preserving and increasing health care related jobs and keeping patients' care in Nevada.

PROPOSALS RELATING TO AUTISM TREATMENT AND SERVICES IN NEVADA

18. Draft a letter to the DHHS encouraging the Department to:
 - a. Develop mechanisms to provide readily available access to the Modified Checklist for Autism in Toddlers screenings that assess risk for autism spectrum disorder in rural Nevada and a mobile diagnostic clinic for those who have red flags identified by the screenings. In rural Nevada, accessing a diagnostic evaluation is a significant barrier to treatment.
 - b. Allow Autism Treatment Assistance Program (ATAP) funds to be used to support diagnostic clinics across rural Nevada, if it is determined to be feasible and appropriate.
 - c. Encourage coordination between ATAP, Nevada Early Intervention Services, and rural school districts with the intent of promoting autism diagnoses and treatment and helping coordinate providers and services to increase access to treatment and services in rural communities.
 - d. Require Nevada Medicaid to cover Applied Behavior Analysis (ABA) services as soon as possible by:
 - i. Seeking clarification from Centers for Medicare and Medicaid Services regarding whether ABA can be included in the Nevada Medicaid State Plan via a plan amendment;
 - ii. Preparing and submitting such an amendment;
 - iii. Initiating the process of certifying providers of ABA services and establishing rates;
 - iv. Providing ABA services to Early and Periodic Screening, Diagnostic, and Treatment children;
 - v. Making the necessary request to shift available funding during this biennium to cover these services; and
 - vi. Developing a budget for the next biennium that includes sufficient funding for Medicaid coverage of ABA and to eliminate the ATAP waiting list.

19. Revise the following provisions of NRS related to autism services and insurance coverage:

Sunset the requirement that autism behavior interventionists be certified by the Board of Psychological Examiners on July 1, 2017. Continue to require autism behavior interventionists to work under the supervision of a licensed and Board Certified Behavior Analyst or a Board Certified Assistant Behavior Analyst. Beginning July 1, 2017, require autism behavior interventionists to obtain the Registered Behavior Technician credential established by the Behavior Analyst Certification Board.

- a. Revise the requirement in various insurance statutes that an autism behavior interventionist be certified as a condition to insurance coverage for autism spectrum disorders and instead require as a condition to insurance coverage for autism spectrum disorders that autism behavior interventionists receive the Registered Behavior Technician credential established by the Behavior Analyst Certification Board. This revision is effective beginning July 1, 2017.
- b. Remove the \$36,000 per year cap on benefits for services related to applied behavior analysis treatment. **(BDR 54–67)**

PROPOSALS RELATING TO PERSONS WITH ALZHEIMER’S DISEASE

20. Draft a letter to all district courts in Nevada strongly requesting that they closely supervise all guardians whose wards suffer from dementia, including, but not limited to, Alzheimer’s disease to insure that all reports on the person and estate of the ward are filed and reviewed according to existing law.
21. Amend NRS 159.076 to prohibit a court from granting a summary administration if:
 - a. The ward is suffering from dementia, including but not limited to Alzheimer’s disease; or
 - b. The ward has been placed in a facility outside the State of Nevada. **(BDR 13–504)**
22. Draft a letter to the Division of Public and Behavioral Health and the Division of Health Care Financing and Policy, DHHS, urging them to:
 - a. Establish hospital transitional care programs;
 - b. Increase the number of home-based services and long-term care facilities with Alzheimer’s certification; and
 - c. Establish a central location where available and appropriate placements can be accessed.

This letter will stress the importance of providing methods and means by which people with dementia, including Alzheimer's disease, can avoid relocation trauma and out-of-state placement.

BULLETIN NO. 15-15

LEGISLATIVE COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE

Nevada Revised Statutes 459.0085

Members

Assemblywoman Maggie Carlton, Chair
Senator David R. Parks, Vice Chair
Senator Pete Goicoechea
Senator Ruben J. Kihuen
Senator Patricia (Pat) Spearman
Assemblyman Richard Carillo
Assemblyman Joseph (Joe) M. Hogan
Assemblyman James Oscarson

Staff Contacts

Research Division:

Diane C. Thornton, Senior Research Analyst
Gayle Nadeau, Senior Research Secretary
(775) 684-6825

Legal Division:

Matthew S. Nichols, Principal Deputy Legislative Counsel
Matt Mundy, Senior Deputy Legislative Counsel
(775) 684-6830

Nevada Revised Statutes

NRS 459.0085 Creation; membership; powers and duties; compensation and expenses of members.

1. There is hereby created a Committee on High-Level Radioactive Waste. It is a committee of the Legislature composed of:

- (a) Four members of the Senate, appointed by the Majority Leader of the Senate.
- (b) Four members of the Assembly, appointed by the Speaker.

2. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program. The Legislative Commission shall select a Chair and a Vice Chair from the members of the Committee.

3. Except as otherwise ordered by the Legislative Commission, the Committee shall meet not earlier than November 1 of each odd-numbered year and not later than August 31 of the following even-numbered year at the call of the Chair to study and evaluate:

- (a) Information and policies regarding the location in this State of a facility for the disposal of high-level radioactive waste;
- (b) Any potentially adverse effects from the construction and operation of a facility and the ways of mitigating those effects; and
- (c) Any other policies relating to the disposal of high-level radioactive waste.

4. The Committee may conduct investigations and hold hearings in connection with its functions and duties and exercise any of the investigative powers set forth in [NRS 218E.105](#) to [218E.140](#), inclusive.

5. The Committee shall report the results of its studies and evaluations to the Legislative Commission and the Interim Finance Committee at such times as the Legislative Commission or the Interim Finance Committee may require.

6. The Committee may recommend any appropriate legislation to the Legislature and the Legislative Commission.

7. The Director of the Legislative Counsel Bureau shall provide a Secretary for the Committee on High-Level Radioactive Waste.

8. Except during a regular or special session of the Legislature, each member of the Committee is entitled to receive the compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session for each day or portion of a day during which the member attends a Committee meeting or is otherwise engaged in the work of the Committee plus the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to [NRS 218A.655](#). Per diem allowances, salary and travel expenses of members of the Committee must be paid from the Legislative Fund.

(Added to NRS by [1985, 685](#); A [1987, 399](#); [1989, 1221](#); [1995, 1454](#); [2009, 1156](#); [2013, 3759](#))

ABSTRACT

LEGISLATIVE COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE

Nevada Revised Statutes 459.0085

The Legislative Committee on High-Level Radioactive Waste is a permanent committee of the Nevada Legislature whose authorization and duties are set forth in Chapter 459 (“Hazardous Materials”) of *Nevada Revised Statutes* (NRS). Created in 1985, the Committee is responsible for performing legislative oversight responsibilities to study and evaluate the following:

- Information and policies regarding the location of a facility for the disposal of high-level radioactive waste in the State of Nevada;
- Any potential adverse effects from the construction and operation of a facility and the ways of mitigating those effects;
- Any other policies relating to the disposal of high-level radioactive waste; and
- Recommendations concerning appropriate legislation to be presented to the Legislature and the Legislative Commission.

The Committee held one meeting and participated in an informational tour of the Nevada National Security Site (NNSS) during the 2013–2014 Legislative Interim. The Committee also monitored the activities of the U.S. Nuclear Waste Technical Review Board, Nevada’s Commission on Nuclear Projects, and Nevada’s Agency for Nuclear Projects.

The following developments took place during the course of the 2013–2014 Interim:

- The Blue Ribbon Commission on America’s Nuclear Future submitted its final report to the United States Secretary of Energy in January of 2012. The Commission, among other topics, studied how the country should dispose of high-level nuclear waste in both the short- and long-term. The Nuclear Waste Administration Act of 2013 (S. 1240) follows the recommendations outlined in the report by establishing a new organization to manage nuclear waste, providing a consensual process for siting nuclear waste facilities, and ensuring adequate funding for managing nuclear waste.
- On August 13, 2013, the U.S. Court of Appeals for the District of Columbia Circuit issued a decision granting a writ of mandamus directing the U.S. Nuclear Regulatory Commission (NRC) to resume the licensing process for the Yucca Mountain Repository. The NRC directed its staff to complete and issue the *Safety Evaluation Report* associated with the construction authorization application and to load Licensing Support Network documents.

- In November of 2013, the NRC issued a memorandum and order consistent with the U.S. Court of Appeals mandamus decision. The order directed the NRC staff, among other things, to complete the *Safety Evaluation Report*. The NRC also requested the U.S. Department of Energy (DOE) to prepare a groundwater supplement to the Environmental Impact Statement (EIS) that the NRC staff has determined is needed for purposes of its review of the application under the National Environmental Policy Act.
- On April 7, 2014, William J. Boyle, Ph.D., Director, Office of Used Nuclear Fuel Disposition Research and Development, Office of Nuclear Energy, DOE, discussed the plans, the content, and the schedule for providing to the NRC the report, *Analysis of Postclosure Groundwater Impacts for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada*. According to the DOE, the report will provide the NRC with, substantially, all the technical information necessary to create a draft Groundwater Supplemental EIS.
- On June 4, 2014, the Sunset Committee of the Legislative Commission (NRS 232B.210) voted to recommend the continuance of the Commission on Nuclear Projects (NRS 459.0091) without any revisions. The Committee further recommended that a letter be sent to the Chair of the Legislative Committee on High-Level Radioactive Waste recommending that, in the interest of public safety, the Committee introduce in the 78th Session a resolution urging the U.S. Congress to revise certain provisions of the Nuclear Waste Policy Act of 1982, as amended, relating to the definition of high-level radioactive waste and low-level radioactive waste.
- On August 27, 2014, the Interim Finance Committee approved a request for an allocation of \$610,752 for Nevada's Agency for Nuclear Projects and a request for an allocation of \$765,400 for the Office of the Attorney General to fund the participation in the Yucca Mountain Repository licensing proceeding pending before the NRC.

The Committee has provided a forum for the discussion of high-level radioactive waste matters with federal, State, and local officials; special interest groups; and members of the public. The Committee will continue to monitor: (1) activities related to the U.S. Court of Appeals for the District of Columbia Circuit's writ of mandamus directing the NRC to resume the licensing process for the Yucca Mountain Repository; (2) the DOE's attempt to permanently withdraw its Yucca Mountain Licensing Application and the related legal challenges; (3) progress made by the Administration of the White House and the U.S. Congress on implementing the recommendations of the Blue Ribbon Commission on America's Nuclear Future; and (4) any other pertinent activity in these or related areas.

The Committee did not make any recommendations or propose any legislation for the 2015 Session of the Nevada Legislature.

BULLETIN NO. 15-16

COMMISSION ON SPECIAL LICENSE PLATES

Nevada Revised Statutes 482.367004

Members

Senator Mark A. Manendo, Chair
Assemblyman Richard Carrillo, Vice Chair
Senator Donald G. Gustavson
Assemblyman James Healey
Assemblyman Jim Wheeler

Nonvoting Members

Troy L. Dillard, Director, Department of Motor Vehicles
James Wright, Director, Department of Public Safety
Claudia Vecchio, Director, Department of Tourism and Cultural Affairs

Staff Contacts

Research Division:

Marjorie Paslov Thomas, Principal Research Analyst
Christina Harper, Senior Research Secretary
(775) 684-6825

Legal Division:

Brenda J. Erdoes, Legislative Counsel
Matt Mundy, Senior Deputy Legislative Counsel
(775) 684-6830

Nevada Revised Statutes

NRS 482.367004 Commission on Special License Plates: Creation; membership; term; service without salary or compensation; administrative support; duties.

1. There is hereby created the Commission on Special License Plates. The Commission is advisory to the Department and consists of five Legislators and three nonvoting members as follows:

(a) Five Legislators appointed by the Legislative Commission:

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

(2) One of whom is the Legislator who served as the Chair of the Senate Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Senate Standing Committee on Transportation during the most recent legislative session.

(b) Three nonvoting members consisting of:

(1) The Director of the Department of Motor Vehicles, or a designee of the Director.

(2) The Director of the Department of Public Safety, or a designee of the Director.

(3) The Director of the Department of Tourism and Cultural Affairs, or a designee of the Director.

2. Each member of the Commission appointed pursuant to paragraph (a) of subsection 1 serves a term of 2 years, commencing on July 1 of each odd-numbered year. A vacancy on the Commission must be filled in the same manner as the original appointment.

3. Members of the Commission serve without salary or compensation for their travel or per diem expenses.

4. The Director of the Legislative Counsel Bureau shall provide administrative support to the Commission.

5. The Commission shall recommend to the Department that the Department approve or disapprove:

(a) Applications for the design, preparation and issuance of special license plates that are submitted to the Department pursuant to subsection 1 of NRS 482.367002;

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

(c) Except as otherwise provided in subsection 7, applications for the design, preparation and issuance of special license plates that have been authorized by an act of the Legislature after January 1, 2007.

➤ In determining whether to recommend to the Department the approval of such an application or issuance, the Commission shall consider, without limitation, whether it would be appropriate and feasible for the Department to, as applicable, design, prepare or issue the particular special license plate. For the purpose of making recommendations to the

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

6. On or before September 1 of each fiscal year, the Commission shall compile a list of each special license plate for which the Commission, during the immediately preceding fiscal year, recommended to the Department that the Department approve the application for the special license plate or approve the issuance of the special license plate. The list so compiled must set forth, for each such plate, the cause or charitable organization for which the special license plate generates or would generate financial support, and the intended use to which the financial support is being put or would be put. The Commission shall transmit the information described in this subsection to the Department and the Department shall make that information available on its Internet website.

7. The provisions of paragraph (c) of subsection 5 do not apply with regard to special license plates that are issued pursuant to NRS 482.3757, 482.3785, 482.3787 or 482.37901.

8. The Commission shall:

(a) Recommend to the Department that the Department approve or disapprove any proposed change in the distribution of money received in the form of additional fees. As used in this paragraph, “additional fees” means the fees that are charged in connection with the issuance or renewal of a special license plate for the benefit of a particular cause, fund or charitable organization. The term does not include registration and license fees or governmental services taxes.

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

(Added to NRS by 2003, 3065; A 2005, 2847; 2007, 575, 804, 819, 1038; 2009, 493; 2011, 1792, 2985; 2013, 556, 1476, 2550)

ABSTRACT

COMMISSION ON SPECIAL LICENSE PLATES

Nevada Revised Statutes 482.367004

The Commission on Special License Plates is a permanent Commission authorized by *Nevada Revised Statutes* (NRS) 482.367004 to approve or disapprove applications for special license plates, as defined in NRS 482.367008. The Commission was created in 2003 by the Nevada Legislature. The Commission on Special License Plates is another option for the authorization of special plates in addition to direct legislative authorization.

Under the provisions of NRS 482.367008, a mechanism was established to cease issuance of low-demand plates. If the Department of Motor Vehicles (DMV) determines the total number of validly registered motor vehicles with a particular special license plate is less than the number of required plates, then the Director is required to notify existing plate holders that the DMV will no longer issue that particular design of a special license plate. However, this does not prohibit current holders from renewing their plates. Completed applications for new special license plates received by the DMV are then forwarded to the Commission for consideration.

As of December 31, 2013, there were 219,609 active special license plates, and the plates generated \$44,036,424.18 in revenue. The most widely issued plate is the Las Vegas Commemorative plate with 82,785 active plates, which has generated over \$16 million in revenue. Revenue from the special license plates that is returned to the organizations is generated through an initial issuance fee of \$15 to \$25 and a renewal fee of \$10 to \$20, depending on the design. These fees are in addition to all other applicable registration and license fees and governmental services taxes.

The Commission held one meeting during the 2013–2014 Interim. At the April 11, 2014, meeting, members of the Commission received a report from the Legislative Auditor concerning the charitable organizations that receive revenue from the issuance of special license plates. The Legislative Auditor reported that all charitable organizations receiving revenue from the sale of special license plates were in compliance with the requirements to submit certain financial and other information to the Commission.

The Director of the DMV presented information to the Commission concerning the redesign of active special license plates. Members also received information that there are currently 13 pending applications and 3 available openings for special license plates in the First Tier and 2 pending applications and 5 available openings for special license plates in the Second Tier. Members considered the first two pending applications in the queue, which are: (1) the Nevada Bicycle and Pedestrian Advisory Board; and (2) the City of Reno. At the meeting, the Commission conducted a work session, at which time it recommended the DMV begin the preparation process of the aforementioned special license plate applications.

SUMMARY OF RECOMMENDATIONS
COMMISSION ON SPECIAL LICENSE PLATES

Nevada Revised Statutes 482.367004

Following is a summary of the applications approved by the Commission on Special License Plates at its April 11, 2014, meeting.

SUMMARY OF SPECIAL LICENSE PLATE APPLICATIONS
APPROVED BY THE COMMISSION

Nevada Bicycle and Pedestrian Advisory Board

1. The Nevada Bicycle Advisory Board was created in 1991 by the Nevada Legislature. In 2011, the Legislature broadened the Board's scope to include pedestrian issues and renamed it the Nevada Bicycle and Pedestrian Advisory Board. The Board advises State and local agencies on policies, programs, facilities, restrictions, and permits related to bicycles and pedestrians; promotes programs and facilities related to the safety of bicycles and pedestrians; and recognizes outstanding efforts in bicycle and pedestrian planning, infrastructure, education, encouragement, safety, and advocacy through an annual awards program. Proceeds from the sale of the special license plate will be used for: (1) initiation, promotion, and support of bicycle and pedestrian safety and education programs; (2) financial support for the planning and construction of facilities; (3) grants for community-based bicycle projects and programs; and (4) safety outreach. The proposed plate design would include "Share the Road."

City of Reno

2. The City of Reno applied for a special license plate for the support and enhancement of its parks, recreational facilities, and programs. Due to the significant demand on parks and recreation services, the City plans on using revenue from the sale of the special license plate to assist in ongoing maintenance and operation improvements, support ongoing recreation and wellness programs, and provide program enhancements. The proposed plate design would include the Reno Arch.