

Legislative Counsel Bureau

Summary Bulletin of Reports of the Legislative Commission to the 79th Session of the Nevada Legislature



Bulletin No. 17-2

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.

January 2017

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BULLETIN NO. 17-2

SUMMARY BULLETIN OF REPORTS OF THE LEGISLATIVE COMMISSION TO THE 79TH SESSION OF THE NEVADA LEGISLATURE

INTRODUCTION

This bulletin summarizes 15 study reports that were completed during the 2015–2016 Interim for consideration by the 2017 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 website at: <http://www.leg.state.nv.us/Division/Research/Publications/InterimReports/index.html>.

LEGISLATIVE COMMISSION

Nevada Revised Statutes 218E.150

Members

Senator Michael Roberson, Chair
Senator James A. Settlemeyer, Vice Chair

Senate

Senator Kelvin D. Atkinson
Senator Moises (Mo) Denis
Senator Aaron D. Ford
Senator Ben Kieckhefer

Assembly

Assemblyman Nelson Araujo
Assemblywoman Teresa Benitez-Thompson
Assemblywoman Irene Bustamante Adams
Assemblyman John Hambrick
Assemblyman Ira Hansen
Assemblyman James Oscarson

Note: The “Previous Members” represent the composition of the Legislative Commission up until the November 8, 2016, General Election.

Previous Members

Senator Michael Roberson, Chair
Senator James A. Settlemeyer, Vice Chair

Senate

Senator Kelvin D. Atkinson
Senator Moises (Mo) Denis
Senator Aaron D. Ford
Senator Ben Kieckhefer

Assembly

Assemblyman Nelson Araujo
Assemblywoman Teresa Benitez-Thompson
Assemblywoman Irene Bustamante Adams
Assemblyman John Hambrick
Assemblyman Ira Hansen
Assemblywoman Marilyn Kirkpatrick (Resigned)*
Assemblyman Lynn D. Stewart

**Note: Assemblywoman Marilyn Kirkpatrick resigned from office on August 19, 2015, and was replaced on the Legislative Commission by Assemblyman Nelson Araujo.*

BULLETIN NO. 17-3

SUBCOMMITTEE TO CONDUCT A STUDY OF POSTACUTE CARE

Assembly Bill 242
(Chapter 306, *Statutes of Nevada 2015*)

Members

Assemblywoman Robin L. Titus, M.D., Chair
Senator Joseph (Joe) P. Hardy, M.D., Vice Chair
Senator Joyce Woodhouse
Assemblywoman Teresa Benitez-Thompson

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Assembly Bill 242
(Chapter 306, Statutes of Nevada 2015)

Assembly Bill No. 242—Committee on
Health and Human Services

CHAPTER.....

AN ACT relating to public health; requiring the Legislative Commission to appoint a subcommittee to conduct a study relating to postacute care in Nevada; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires the Legislative Commission to appoint a subcommittee to conduct a study relating to postacute care in Nevada, including alternatives to institutionalization, cost savings of home- and community-based waiver programs, the impact of postacute care services on the quality of life of a person receiving such services and a review of the state and national quality measures and funding methodologies for postacute care.

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

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

Sections 1-11. (Deleted by amendment.)

Sec. 12. 1. The Legislative Commission shall appoint a subcommittee to conduct an interim study of postacute care in this State.

2. The subcommittee must be composed of four Legislators as follows:

(a) One member appointed by the Majority Leader of the Senate from the membership of the Senate Standing Committee on Health and Human Services;

(b) One member appointed by the Minority Leader of the Senate from the membership of the Senate Standing Committee on Health and Human Services;

(c) One member appointed by the Speaker of the Assembly from the membership of the Assembly Standing Committee on Health and Human Services; and

(d) One member appointed by the Minority Leader of the Assembly from the membership of the Assembly Standing Committee on Health and Human Services.

3. The study must include, without limitation:

(a) A review and evaluation of the quality and funding of postacute care in this State and alternatives to institutionalization for providing such care, including home- and community-based waiver programs;



(b) An evaluation of the cost of such alternatives and potential savings from each alternative;

(c) Consideration of the positive and negative effects of the various alternatives for providing postacute care services on the quality of life of persons receiving those services in this State;

(d) A review of state and national quality measures for postacute care required to be reported by Medicare, Medicaid and this State; and

(e) A review of state and federal funding for postacute care, including the funding formula used in this State.

4. Any recommended legislation proposed by the subcommittee must be approved by a majority of the members of the subcommittee.

5. The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature.

Sec. 13. This act becomes effective on July 1, 2015.



ABSTRACT

SUBCOMMITTEE TO CONDUCT A STUDY OF POSTACUTE CARE

Assembly Bill 242
(Chapter 306, *Statutes of Nevada 2015*)

The Subcommittee to Conduct a Study of Postacute Care is required to conduct a study relating to postacute care in Nevada, including a review of the quality and cost of postacute care; alternatives to institutionalization; cost savings of home- and community-based waiver programs; the impact of alternatives to institutionalization on the quality of life of a person receiving postacute care services; and State and national quality measures and funding methodologies for postacute care. The Subcommittee may recommend legislation to the 2017 Nevada Legislature concerning postacute care.

The Legislative Commission appointed four members to the Subcommittee, including Assemblywoman Robin L. Titus, M.D. (Chair), Senator Joseph (Joe) P. Hardy, M.D. (Vice Chair), Senator Joyce Woodhouse, and Assemblywoman Teresa Benitez-Thompson. The Subcommittee met four times in Carson City, Nevada, at the Legislative Building on November 17, 2015, and February 17, April 6, and July 6, 2016. All four meetings were broadcast live on the Internet and videoconferenced to the Grant Sawyer State Office Building in Las Vegas, Nevada, which allowed testimony from both locations.

During the course of the interim, representatives from State and local agencies, businesses, community groups, nonprofit and professional organizations, and the public provided testimony on a wide range of topics related to postacute care.

During the first meeting on November 17, 2015, the Subcommittee heard testimony related to the types of postacute care and quality measures, the quality of institutional and home- and community-based care, and the impact of alternatives to institutionalization on quality of life.

At the second meeting on February 17, 2016, the Subcommittee heard testimony related to State and federal funding for institutional and home- and community-based postacute care. In addition, the Subcommittee received information regarding funding by private insurance, self-funded care, and other funding sources for postacute care.

Testimony during the third meeting on April 6, 2016, included a review and evaluation of the quality and funding of postacute care in Nevada and a review of various recommendations submitted for the Subcommittee's consideration.

During the fourth and final meeting on July 6, 2016, the Subcommittee held a work session during which the members considered seven recommendations. The members voted to forward five recommendations as bill draft requests (BDRs) to the 79th Session of the Nevada

Legislature and to write a letter to various entities expressing their support for a specific issue. The BDRs relate to the following topics:

1. Medicaid reimbursement rates for personal care services;
2. A comparative analysis of the rates of reimbursement that cover the cost for personal care services and home- and community-based services;
3. Establishing regulation standards for certain facilities providing 24-hour, long-term care for individuals who need supervision and assistance with personal care and medication management;
4. Authority of the long-term care ombudsmen; and
5. Authority for certain personal care and home health care workers to assist residents of certain facilities with checking certain vital signs, with the residents' consent.

SUMMARY OF RECOMMENDATIONS

SUBCOMMITTEE TO CONDUCT A STUDY OF POSTACUTE CARE

Assembly Bill 242
(Chapter 306, *Statutes of Nevada 2015*)

On July 6, 2016, during the fourth and final meeting of the Subcommittee to Conduct a Study of Postacute Care, the members conducted a work session and voted to forward five recommendations as bill draft requests (BDRs) to the 2017 Legislative Session. The Subcommittee members also voted to have one letter expressing their support for a specific issue and encouraging certain action. During the work session, the members also voted to include several statements of support for issues in the Subcommittee's final report. A summary of each BDR and letter follows, while the statements of support will appear in the Subcommittee's bulletin (interim study report).

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

BILL DRAFT REQUESTS

1. Submit a BDR requiring the Division of Health Care Financing and Policy (DHCFP), Department of Health and Human Services (DHHS), to study the adequacy of the rates of reimbursement through Medicaid waiver programs for personal care services provided in assisted living facilities, facilities for the care of adults during the day, personal residences, and residential facilities for groups. In conducting the study, the DHCFP must consider reasonable cost of care assessments provided by personal care service providers in Nevada, the Medical Care in the Consumer Price Index, Nevada's rates in comparison to rates in other demographically similar states, and direct care staff labor costs. Upon completion of this study, the DHCFP shall prepare a report setting forth its findings and recommendations. In addition, if the rate is determined to be inadequate, the DHCFP must propose an adjusted Medicaid rate that adequately covers the cost for providing personal care services for consideration during the 80th Session of the Nevada Legislature in 2019. The report must be completed by March 1, 2018, and submitted to the Legislative Counsel Bureau (LCB) to be transmitted to the Legislative Committee on Health Care and the Interim Finance Committee. **(BDR S-368)**
2. Submit a BDR requiring the DHCFP to conduct a comparative analysis of the rates of reimbursement that cover the cost for personal care services and home- and

community-based services provided by residential facilities for groups (as defined by NRS 449.017); providers of supported living arrangement services (as defined by NRS 449.0159); and providers of community-based services for persons with physical disabilities, frail elderly persons, and persons with intellectual disabilities or related conditions to identify any disparities in the rates of reimbursement for equivalent services among these different types of providers. Upon the completion of its analysis, the DHCFP shall prepare a report setting forth its findings and recommendations. The report must be completed by March 1, 2018, and submitted to the LCB to be transmitted to the Legislative Committee on Health Care and the Interim Finance Committee. **(BDR S-369)**

3. Submit a BDR requiring the DHHS to establish by regulation standards for certain facilities providing 24-hour, long-term care for individuals who need supervision and assistance with personal care and medication management, including residential facilities for groups, supported living arrangements, and community-based living arrangements. Specifically, provide uniformity by establishing the following essential standards:

- a. Develop consistent authority to provide oversight for each regulating State agency;
- b. Require every facility or living arrangement to receive an annual State inspection or survey;
- c. Ensure that the penalties which may be imposed on a facility or living arrangement for violation of an applicable law or regulation are enforceable and consistent;
- d. Authorize each regulating agency to impose comparable fines; and

Require clear notification of the State agency responsible for providing oversight for each facility or living arrangement; develop a “no wrong door” policy for reporting complaints among regulatory agencies; and ensure that residents are notified of the services that are authorized and the services that are required to be provided within that setting. **(BDR 40-370)**

4. Submit a BDR expanding the authority of the long-term care ombudsmen to include the ability to advocate for residents of the following living arrangements and facility types:

- a. Living arrangements;
 - (1) Supported living arrangements (NRS 435.3315), Aging and Disability Services Division, DHHS; and
 - (2) Community-based living arrangements, Division of Public and Behavioral Health (DPBH), DHHS; and
- b. Facilities for the care of adults during the day. **(BDR 38-371)**

5. Submit a BDR requiring the adoption of regulations by the State Board of Health, DPBH, DHHS, and relevant professional licensing agencies that authorize any person: (1) who is employed by an agency to provide personal care services in the home (as defined by NRS 449.0021), a facility for the care of adults during the day (as defined by NRS 449.004), an intermediary service organization (as defined by NRS 449.4304), or a residential facility for groups; and (2) who has completed training in accordance with standards adopted by the State Board of Health and relevant professional licensing agencies to engage in the activities noted below.

Such a person may, with the consent of the resident: (1) check, record, and report the apical heart rate, blood pressure, pulse, respiration or oxygen saturation, or temperature of a resident, or any combination of these; (2) administer insulin furnished by a registered pharmacist to a resident for the treatment of insulin-dependent diabetes as directed by a physician and using an auto-injection device approved by the United States Food and Drug Administration for use in the home; and (3) conduct a glucose test on a resident with diabetes using a device for monitoring that is approved as described above and used only on that resident. **(BDR 40–372)**

DRAFT A LETTER

6. Submit a letter to the Governor of the State of Nevada, the Director of the DHHS, and the Chairs of the Senate Committee on Finance and Assembly Committee on Ways and Means during the 2017 Legislative Session recommending and expressing support for:
 - a. A review of the rate methodology for postacute care facilities and personal care and home health care services;
 - b. Inclusion of an appropriation in the Governor’s recommended budget and the legislatively approved budget that supports payment rates which are sufficient to ensure that Medicaid beneficiaries have access to covered Medicaid services; and
 - c. Indexing the rate to increase with inflation in future biennia.

BULLETIN NO. 17-5

ADVISORY COMMISSION ON THE ADMINISTRATION OF JUSTICE

Nevada Revised Statutes 176.0123

Members

The Honorable James W. Hardesty, Nevada Supreme Court, Chair
Mark Jackson, Douglas County District Attorney, Vice Chair
Senator Aaron D. Ford
Senator Mark Lipparelli
Assemblyman Elliot T. Anderson
Assemblyman John Hambrick
Paola Armeni, Representative, State Bar of Nevada
Connie Bisbee, Chairman, Board of Parole Commissioners
Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas
Metropolitan Police Department
James Dzurenda, Director, Department of Corrections
Lisa Morris Hibbler, Victims Rights Advocate
Judge Kevin Higgins, Sparks Justice Court
Phil Kohn, Clark County Public Defender
Adam Paul Laxalt, Attorney General
Jorge Pierrott, Sergeant, Parole and Probation
D. Eric Spratley, Lieutenant, Washoe County Sheriff's Office
Judge Lidia S. Stiglich, Second Judicial District Court
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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 municipal judge or justice of the peace, appointed by the governing body of the Nevada Judges of Limited Jurisdiction;

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

(c) 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;

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

(e) 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;

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

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

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

(i) 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;

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

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

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

(m) The Director of the Department of Corrections;

(n) 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

(o) 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](#); [2015, 236](#))

ABSTRACT

ADVISORY COMMISSION ON THE ADMINISTRATION OF JUSTICE

Nevada Revised Statutes (NRS) 176.0123

The Advisory Commission on the Administration of Justice is statutorily tasked 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 evolved from the former Advisory Commission on Sentencing. 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. Throughout the years following its establishment, the duties and membership of the Advisory Commission have been expanded by the Legislature as the criminal justice policy demands in the State have grown. 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 period between legislative sessions, the Advisory Commission holds numerous public meetings to review the criminal justice system in Nevada. During the 2015–2016 Interim, the Advisory Commission held eight substantive meetings and a work session. The Advisory Commission diligently and proficiently addressed each of the statutory duties prescribed pursuant to NRS 176.0125. The Advisory Commission received formal presentations from interested stakeholders and national experts and heard public testimony on a broad range of topics involving criminal justice in the State. 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 Board of Parole Commissioners; (2) improvements to criminal justice and public safety; (3) sentencing structure and reforms; (4) the compilation and use of presentence investigation reports; (5) the use of risk assessment tools; (6) technology and information sharing in the criminal justice system; (7) parole and probation; (8) parole reform; (9) criminal justice and public safety reforms in other states; (10) witness and custodial interrogations; (11) reviews of drug sentencing policies; (12) updates on the funding and use of specialty courts; (13) inmate sentence credits; (14) valid identification for offenders; (15) collateral consequences of convictions; (16) restoration of

civil rights; (17) indigent defense; (18) lifetime supervision of sex offenders; (19) rules of criminal procedure; and (20) the use of body cameras by law enforcement.

The Advisory Commission also complied with the statutory mandates to appoint Subcommittees during the interim by holding hearings on topics related to: (1) victims of crime (NRS 176.01245); (2) arrestee DNA (NRS 176.01246); and (3) the medical use of marijuana (NRS 176.01247). In order to avoid a duplication of efforts, the Subcommittee on Juvenile Justice (NRS 176.0124) was deferred to the Supreme Court's Commission on Statewide Juvenile Justice Reform and the Legislative Committee on Child Welfare and Juvenile Justice. Lastly, the Advisory Commission held hearings to comply with the legislative mandates of Senate Bill 449 (Chapter 53, *Statutes of Nevada 2015*), to review the parole system, and Senate Bill 111 (Chapter 533, *Statutes of Nevada 2015*), regarding the use of body worn cameras by the Nevada Highway Patrol.

The 2015–2016 Advisory Commission held a final work session on November 1, 2016. At that work session, the Advisory Commission considered 36 total recommendations and voted to approve 9 recommendations to include a policy statement in the final report, 7 recommendations for the drafting of legislation, and 4 recommendations for the drafting of a letter. Additionally, the Advisory Commission voted to refer 2 recommendations for further study to the Nevada Supreme Court's Commission on Statewide Rules of Criminal Procedure.

SUMMARY OF RECOMMENDATIONS

ADVISORY COMMISSION ON THE ADMINISTRATION OF JUSTICE

Nevada Revised Statutes 176.0123

The 2015–2016 Advisory Commission on the Administration of Justice held a final work session on November 1, 2016. At that work session, the Advisory Commission considered 36 total recommendations and voted to approve 9 recommendations to include a policy statement in the final report, 7 recommendations for the drafting of legislation, and 4 recommendations for the drafting of a letter. Additionally, the Advisory Commission voted to refer 2 recommendations for further study to the Nevada Supreme Court’s Commission on Statewide Rules of Criminal Procedure. A summary of each recommendation is identified below:

RECOMMENDATIONS TO DRAFT LEGISLATION

1. Draft legislation to require the Division of Public and Behavioral Health of the Department of Health and Human Services to notify the Division of Parole and Probation of the Department of Public Safety if an offender under supervision has applied to receive a medical marijuana registry identification card.
2. Draft legislation to establish an interim legislative study on the use of criminal justice information sharing systems, including: (1) Clark County’s Shared Computer Operations for Protection and Enforcement Project (SCOPE); (2) Washoe County’s Tiburon, Inc. information system; and (3) similar information systems utilized by the Central Repository for Nevada Records of Criminal History and local law enforcement agencies. This recommendation would include a reference to the policy statement identified in recommendation number 12.
3. Draft legislation to authorize a convicted person to pay for DNA testing at his or her own expense.
4. Draft legislation to authorize the Central Repository to share mental health adjudications with local law enforcement agencies for purposes of identifying persons prohibited from possessing firearms.
5. Draft legislation to enact a declaration of public policy of this State to effectuate a criminal justice system based on the seven principles of effective state sentencing and corrections policy as outlined in the 2011 *Report of the NCSL Sentencing and Corrections Work Group*.

6. Draft legislation to establish an interim legislative study on the criminalization and oversight of controlled substances for the purposes of reviewing and revising the penalties for certain crimes related to controlled substances, including weight limits and trafficking offenses.
7. Draft legislation to create the Nevada Sentencing Commission. The Nevada Sentencing Commission would be established as a separate independent statutory committee modeled after the Connecticut Sentencing Commission. The Nevada Sentencing Commission membership would be similar to the 23 member appointments in the Connecticut model; however, it would be tailored to appoint members with statutory titles currently used in Nevada. The Nevada Sentencing Commission must also include a representative from the Division of Parole and Probation. In addition to the duties outlined in the Connecticut Sentencing Commission model, the Nevada Sentencing Commission would be required to develop sentencing guidelines, which may only be deviated from by written findings of a judge. The sentencing guidelines must be enacted within one year after passage of the legislation and must be adopted and enforced through the Nevada Administrative Procedure Act.

RECOMMENDATIONS TO DRAFT A LETTER

8. Draft a letter to the Governor and the Chairs of the Senate Committee on Finance and the Assembly Committee on Ways and Means, urging the Governor and the Legislature to consider additional budgetary funding for criminal justice agencies throughout the State, including: the Division of Parole and Probation of the Department of Public Safety; the Department of Corrections; and the State Board of Parole Commissioners.
9. Draft a letter to the Governor and the Chairs of the Senate Committee on Finance and the Assembly Committee on Ways and Means, urging the Governor and the Legislature to provide budgetary funding to modernize and update the statewide computerized criminal history record system to implement Rapid DNA Analysis.
10. Draft a letter to the Governor and the Chairs of the Senate Committee on Finance and the Assembly Committee on Ways and Means, urging the Governor and the Legislature to provide budgetary funding (through the appropriation of approximately \$4.6 million for the biennium) to allow a parole and probation officer or presentence investigation specialist to be placed in each criminal courtroom throughout the State.
11. Draft a letter to the Governor and the Chairs of the Senate Committee on Finance and the Assembly Committee on Ways and Means, urging the Governor and the Legislature to support increased funding and expansion of infrastructure for specialty court programs in Nevada. This recommendation would include a reference to the policy statement identified in recommendation number 19.

RECOMMENDATIONS TO INCLUDE A POLICY STATEMENT

12. Include a policy statement in the final report encouraging all interested criminal justice stakeholders (district attorneys, criminal defense attorneys, judges, court clerks, crime laboratories, law enforcement agencies, and the Central Repository) to collaboratively work together to develop a statewide criminal justice information sharing database. This policy statement will include a reference to the draft legislation requested in recommendation number 2.
13. Include a policy statement in the final report supporting findings of the Advisory Commission that the current statutory prison sentence credit structure is overly complex to all parties involved. This policy statement will be combined with recommendation number 7 to urge the newly established Nevada Sentencing Commission to revise the credit system to make it less complex and more transparent to all parties.
14. Include a policy statement in the final report supporting the Division of Parole and Probation's proposed bill draft request (BDR) (2017), which seeks to remove the statutory requirement for transporting an offender under a program of lifetime supervision to his or her original jurisdiction for any violation of the terms of supervision.
15. Include a policy statement in the final report encouraging the Division of Parole and Probation to review, revise, and update its risk assessment tool for the purposes of making sentencing recommendations.
16. Include a policy statement in the final report supporting the Division of Parole and Probation's proposed BDR (2017), which seeks to clarify the application of earned compliance credits a probationer or parolee receives while under supervision. The Advisory Commission voted to support only the portion of the bill draft request pertaining to credits earned while on probation.
17. Include a policy statement in the final report recognizing and supporting the work of the Nevada Supreme Court's Commission on Statewide Juvenile Justice Reform.
18. Include a policy statement in the final report supporting the recommendations of the Nevada Supreme Court's Indigent Defense Commission, including the reintroduction of a revised Senate Bill 451 (2015), which sought, among various changes, to establish an independent Indigent Defense Commission and provide funding for indigent defense.
19. Include a policy statement in the final report recommending an audit of the specialty courts in Clark County to determine compliance with national best practices and the need for an MAS audit through the State's accounting systems practices. This recommendation is to be combined with the letter of support identified in recommendation number 11.

20. Include a policy statement in the final report supporting Senator Parks' BDR 14-83 (2017) governing the aggregation of dissimilar sentences for purposes of parole. Note: The Advisory Commission unanimously approved this recommendation during the meeting held on August 3, 2016.

RECOMMENDATIONS TO REFER FOR FURTHER STUDY

21. Refer to the Nevada Supreme Court's Commission on Statewide Rules of Criminal Procedure for further study the issue of whether the Nevada Highway Patrol should add prosecutors and defense attorneys to the list of persons that may request copies of recorded video evidence from body worn cameras.
22. Refer to the Nevada Supreme Court's Commission on Statewide Rules of Criminal Procedure for further study the issue of recording custodial interrogations for serious offenses.

BULLETIN NO. 17-6

**LEGISLATIVE COMMISSION'S STAFF STUDY OF REGIONALIZING
THE MENTAL HEALTH SYSTEM IN NEVADA:
CONSIDERATIONS AND POLICY OPTIONS**

Nevada Revised Statutes 218E.200

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Nevada Revised Statutes

NRS 218E.200 Power to conduct studies and investigations; establishment of subcommittees and interim or special committees; designation of members; compensation, allowances and expenses of members.

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

2. The Legislative Commission may establish subcommittees and interim or special committees as official agencies of the Legislative Counsel Bureau to conduct such studies or investigations or otherwise to deal with such governmental problems, important issues of public policy or questions of statewide interest. The subcommittees and interim or special committees may exercise any of the investigative powers set forth in [NRS 218E.105](#) to [218E.140](#), inclusive.

3. The membership of the subcommittees and interim or special committees:

(a) Must be designated by the Legislative Commission; and

(b) May consist of members of the Legislative Commission and Legislators other than members of the Legislative Commission, employees of the State of Nevada or citizens of the State of Nevada.

4. For each day or portion of a day during which members of the subcommittees and interim or special committees who are not Legislators attend meetings or are otherwise engaged in the business of the subcommittees and interim or special committees, the members:

(a) Shall serve without salary.

(b) Are entitled to receive out of the Legislative Fund the per diem allowances and travel expenses provided for state officers and employees generally.

5. Except during a regular or special session, for each day or portion of a day during which members of the subcommittees and interim or special committees who are Legislators attend meetings of the subcommittees and interim or special committees or are otherwise engaged in the business of the subcommittees and interim or special committees, the members are entitled to receive out of the Legislative Fund:

(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;

(b) The per diem allowance provided for state officers and employees generally; and

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

[10:134:1953]—(NRS A 1957, 386; 1961, 253; 1963, 1014; [1965, 1455](#); [1971, 2206](#); [1973, 119](#), [1118](#); [1975, 296](#); [1979, 612](#); [1985, 399](#); [1989, 1218](#), [1493](#); [1993, 2250](#); [2011, 3216](#); [2013, 3745](#))—(Substituted in revision for part of NRS 218.682)

ABSTRACT

LEGISLATIVE COMMISSION'S STAFF STUDY OF REGIONALIZING THE MENTAL HEALTH SYSTEM IN NEVADA: CONSIDERATIONS AND POLICY OPTIONS

Nevada Revised Statutes 218E.200

At its April 4, 2016, meeting, the Legislative Commission directed the Legislative Counsel Bureau (LCB) to study factors that may influence regionalizing the behavioral health system in Nevada. Commission members requested LCB staff to work with the Department of Health and Human Services (DHHS), local government entities, and community advocates to report on:

1. Issues the Legislature may wish to consider in proposing legislation to regionalize mental health in Nevada; and
2. Examples of states that have regionalized their mental health system, including successful and unsuccessful strategies and the advantages and disadvantages of transitioning to a regionalized behavioral health system.

Commission members clarified that the resulting LCB report should build on, rather than duplicate, the work of the Governor's Behavioral Health and Wellness Council, which studied mental health governance systems, among other issues. In addition, upon signing Executive Order 2016-07 in March 2016, which concluded the Council's work, Governor Brian Sandoval directed the DHHS to work with the interim Legislative Committee on Health Care and the LCB to "evaluate implementing 'a local/regional governance model of administration'" in preparation for the 2017 Legislative Session.

Across the nation, the mode of governance for behavioral health systems varies significantly. In many ways, each state's behavioral health governance structure is unique. As policymakers consider transitioning the behavioral health system in Nevada from a governance and service delivery structure centralized at the State level to a more regionalized system, it is important to define the objectives for doing so. It is also important to consider how such a change might build on the strengths and reduce the weaknesses of the existing system and what it might cost to transition to and maintain a more regionalized system.

Although some steps have been taken to improve behavioral health care in Nevada, many challenges remain. As the State population grew steadily in recent years, the behavioral health system lagged; funding fluctuated and decreased during the recession. Recent improvements to the system have been fueled primarily by behavioral health crises. Mental health advocates and professionals acknowledge that comprehensive improvements and reforms are still necessary to strengthen mental health care in Nevada. Currently, Nevada's mental health system ranks 51st overall, 48th in youth mental health care, and 51st in terms of adult mental

health care and access to mental health care, according to a review of state mental health systems by Mental Health America. The report, *The State of Mental Health in America 2017*, evaluated states on a variety of factors that are essential for developing and maintaining a mental health system that adequately meets the needs of the population. While the analysis does not consider each state's governance structure, it does provide a baseline understanding of the status and quality of the existing system compared to others. According to the report, major factors influencing Nevada's low ranking include the availability of behavioral health care providers; access to, quality, and cost of health insurance; access to behavioral health treatment; and high rates of substance abuse.

The objectives for considering regionalization of behavioral health governance in Nevada may include involving local stakeholders in the identification of key behavioral health issues and development of priorities, developing community-based resources and services, and improving access to care. This study outlines numerous issues and key factors to consider as policymakers weigh whether to regionalize the behavioral health system and the type or style of regional governance that might be most effective in Nevada. It is organized into three broad sections:

1. Key issues to consider, including:
 - a. Access to behavioral health care, including data regarding the behavioral health workforce, health insurance coverage, and barriers to accessing services and treatment;
 - b. Policy and program changes as a result of the Patient Protection and Affordable Care Act (ACA) of 2010 and the impact of the ACA on the State budget;
 - c. The relationship between the mental health care system and other systems; and
 - d. The recent expansions of State funding to address behavioral health in Nevada;
2. An analysis of patterns demonstrating how Nevadans currently access behavioral health care and a discussion of existing behavioral health collaborations and coordination arrangements that may be refined to provide regional boundaries; and
3. A brief summary of select states that have regionalized behavioral health governance, a model of regional governance proposed by participants at the Southern Nevada Forum, and policy options recommended by stakeholders throughout the course of this study.

In addition, it is important to consider the costs associated with transitioning to a more regionalized system of behavioral health care. These costs—and the ongoing cost of operating a regional system—will depend on how policymakers approach regionalization in Nevada. However, without a clear description of what a regionalized behavioral health system might look like in Nevada, the associated costs cannot be quantified. Therefore, while policymakers may wish to keep cost considerations in mind while deliberating this issue, this report does not provide cost estimates.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMISSION'S STAFF STUDY OF REGIONALIZING THE MENTAL HEALTH SYSTEM IN NEVADA: CONSIDERATIONS AND POLICY OPTIONS

Nevada Revised Statutes 218E.200

Although no formal recommendations were made, staff summarized for consideration by the Legislative Commission the following policy options, which were presented by various stakeholders and which may be beneficial in future deliberations on regionalizing behavioral health care and improving the behavioral health care system in Nevada.

1. To involve local stakeholders in the identification of key behavioral health issues and development of priorities, policymakers may wish to consider:
 - Establishing boundaries for behavioral health regions and designating or developing entities within each region to provide input, feedback, and other consultation;
 - Increasing the number of behavioral health program coordinators to ensure that all communities in the State have a coordinator;
 - Revising the duties and responsibilities of the Commission on Behavioral Health to increase communication and coordination with regional entities to improve the responsiveness of State policies and programs to meet specific regional needs. In order to help improve the Commission's ability to respond to concerns, stakeholders recommended expanding the Commission's authority to review findings of investigations of complaints about the treatment of individuals with mental illness, intellectual disabilities, substance use disorders, co-occurring disorders, or related conditions to include private facilities. The Commission already has the authority to review findings of investigations about the treatment of these individuals in public facilities, pursuant to subsection 3 of NRS 433.316; and
 - Incorporating the Commission on Behavioral Health, or its duties and responsibilities, into the State Board of Health to enhance communication and coordination with regional entities to improve the responsiveness of State policies and programs to meet regional needs. Such integration would be another step toward integrating physical and behavioral health in Nevada.
2. To develop community-based resources and services, policymakers may wish to consider:
 - Collaborating with rural hospitals, rural health clinics, and licensed medical providers who practice primarily in rural areas of the State to develop a plan to expand behavioral health care services provided at existing health care facilities in rural and frontier Nevada;

- Increasing the use of telemedicine to improve access to behavioral health care services across the State, especially in rural and frontier Nevada;
- Requesting the DHHS evaluate whether and how Medicaid funding could be used to help support behavioral health services offered by community-based providers;
- Working with behavioral health professional licensing boards, Nevada System of Higher Education institutions, private institutions of higher education, and other stakeholders to create a comprehensive behavioral health workforce development plan to improve the workforce and increase behavioral health services in every region of the State in order to support the decentralization of service delivery. Specific activities might include:
 - Reviewing health professional scopes of practice, health professional licensing board licensure application and renewal processes, and options for recognizing national accreditations and expanding reciprocal licensing or endorsement opportunities, while maintaining quality standards and patient safety; and
 - Establishing policy and funding priorities for new or expanding health professional education programs at institutions of higher education that focus on increasing access in underserved areas of the State; and
- Expanding the capacity of community health centers (CHCs)—private, nonprofit organizations that provide primary health care services to residents of specific, medically underserved areas—to increase provision of behavioral health services by:
 - Expanding the list of billable providers for Prospective Payment System reimbursement—a Medicare payment structure based on a predetermined fixed amount—to include additional qualified behavioral health providers (e.g., Marriage and Family Therapists or Licensed Professional Counselors);
 - Providing additional resources for both operational support and capital;
 - Improving access to specialty behavioral health services needed by CHC patients with significant behavioral health issues (e.g., through co-location of services, closer physical proximity, or streamlined referrals); and
 - Increasing access to supportive housing services.

3. To further study behavioral health regionalization and develop policy options in Nevada, the Legislature may consider: (1) creating a subcommittee of the Legislative Commission; (2) establishing an interim study committee through legislation; or (3) delegating specific responsibility to existing legislative entities, Executive Branch agencies, and public institutions of higher education. Public entities with responsibility for health care strategic planning and oversight or professional development include:
- Legislative Committee on Health Care (NRS 439B.200);
 - Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs (NRS 218E.750);
 - Legislative Committee on Child Welfare and Juvenile Justice (NRS 218E.705);
 - Division of Public and Behavioral Health, DHHS;
 - Office of Health Planning and Primary Care;
 - Department of Employment, Training and Rehabilitation;
 - Governor's Workforce Development Board; and
 - NSHE institutions, including:
 - University of Nevada, Reno, School of Medicine;
 - Office of Statewide Initiatives;
 - ❖ Health Workforce Research and Policy Program;
 - ❖ Medical Education Council of Nevada;
 - ❖ Nevada State Office of Rural Health; and
 - ❖ Project ECHO; and
 - University of Nevada, Las Vegas, School of Medicine.

BULLETIN NO. 17-7

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY WATER

Nevada Revised Statutes 218E.200

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Assemblyman James Oscarson, Vice Chair
Senator Aaron D. Ford
Senator Joseph (Joe) P. Hardy, M.D.
Assemblywoman Maggie Carlton

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Nevada Revised Statutes

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(b) The per diem allowance provided for state officers and employees generally; and

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

[10:134:1953]—(NRS A 1957, 386; 1961, 253; 1963, 1014; [1965, 1455](#); [1971, 2206](#); [1973, 119](#), [1118](#); [1975, 296](#); [1979, 612](#); [1985, 399](#); [1989, 1218](#), [1493](#); [1993, 2250](#); [2011, 3216](#); [2013, 3745](#))—(Substituted in revision for part of NRS 218.682)

ABSTRACT

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY WATER

Nevada Revised Statutes 218E.200

The Legislative Commission's Subcommittee to Study Water was established by the Legislative Commission and charged with the task of studying water resource issues in Nevada during the 2015–2016 Interim. The Legislative Commission appointed three members of the Senate and two members of the Assembly to serve on the Subcommittee.

The Subcommittee held six meetings during the 2015–2016 Interim. Three meetings were held in rural areas of the State (Dyer, Pahrump, and Winnemucca). Three meetings were held in urban areas of the State (Carson City and Las Vegas [2]).

During the Interim, the Subcommittee received presentations regarding regional and statewide water resource issues from numerous individuals, agencies, and organizations, including:

- Nevada's State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources;
- Nevada Water Science Center, United States Geological Survey, U.S. Department of the Interior;
- Humboldt River Basin Water Authority;
- Nevada Mining Association;
- Pershing County Water Conservation District;
- Southern Nevada Water Authority and Las Vegas Valley Water District;
- Colorado River Commission of Nevada;
- Virgin Valley Water District;
- Central Nevada Regional Water Authority;
- Truckee Meadows Water Authority;
- Great Basin Water Network;
- Walker Basin Restoration Program, National Fish and Wildlife Foundation;

- Eureka County Department of Natural Resources;
- Carson Water Subconservancy District;
- Valley Electric Association;
- Private Well Owners Cooperative of Nye County;
- Utilities, Inc. of Central Nevada;
- Pahrump Utility Company, Inc.;
- Nye County Water District; and
- Inyo County Water Department.

At its work session in Carson City on August 26, 2016, the Subcommittee approved five recommendations to draft legislation and three recommendations to include position statements in the final report of the Subcommittee. The topics of recommendations approved by the Subcommittee include:

- Cloud seeding;
- Domestic wells and domestic well use; and
- Tools for groundwater basin management.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY WATER

Nevada Revised Statutes 218E.200

This summary presents the recommendations approved by the Legislative Commission's Subcommittee to Study Water during the 2015–2016 Legislative Interim at the Subcommittee's final meeting held on August 26, 2016, in Carson City, Nevada. The bill draft requests (BDRs) will be forwarded to the Legislative Commission for transmittal to the 79th Session of the Nevada Legislature in 2017.

RECOMMENDATIONS FOR LEGISLATION

1. Request the drafting of a bill to expand the allowable uses of the existing grant program for water projects (NRS 349.980, et seq.), otherwise known as the “AB 198 Grant Program” (Assembly Bill 198 [Chapter 559, *Statutes of Nevada 1991*]), to include a cloud seeding program as an allowable use of grant funds and to allow the Board for Financing Water Projects, Division of Environmental Protection, State Department of Conservation and Natural Resources (SDCNR), to receive gifts, grants, and donations. **(BDR 30–356)**
2. Request the drafting of a bill to provide that at times of curtailment by priority by the Office of the State Engineer, Division of Water Resources, SDCNR, only withdrawals from domestic wells for outdoor water use are curtailed, with an excepted allowance for outdoor watering of pets and livestock. **(BDR 48–357)**
3. Request the drafting of a bill to provide that in severely over-appropriated basins and designated critical management areas, the Office of the State Engineer limit withdrawals from new domestic wells to 0.5 acre-feet annually. The limitation is only applicable to new wells and is not applicable to currently existing domestic wells or to existing domestic wells that require rehabilitation, refurbishment, or replacement. **(BDR 48–358)**
4. Request the drafting of a bill to require the claimant of a pre-statutory water right to submit proof of the claim to the Office of the State Engineer on or before December 31, 2025, regardless of whether an adjudication has been ordered for a water source. If the claimant fails to submit such proof, the claim is deemed to be abandoned. **(BDR 48–359)**
5. Request the drafting of a bill that clarifies management tools that may be approved by the Office of the State Engineer in a Groundwater Management Plan (GMP) submitted for a basin designated as a critical management area. The bill also clarifies that an approved GMP applies to all water users in a basin. **(BDR 48–367)**

**RECOMMENDATIONS FOR POSITION STATEMENTS
IN FINAL SUBCOMMITTEE REPORT**

1. Include a position statement in the final report to acknowledge surface water and groundwater connectivity and the need for the Office of the State Engineer to utilize conjunctive management of surface water and groundwater resources where connected.
2. Include a position statement in the final report recommending a statewide Nevada water future discussion and encouraging the Executive Branch of State government, the Nevada Legislature, local governments, the business community, the environmental community, and the public to come together to discuss Nevada's water future and develop a Nevada water future strategy. Encourage utilization of the work of the Subcommittee, the Governor's Drought Summit, and the Nevada Drought Forum as a foundation for a meaningful statewide water future discussion and strategy.
3. Include a position statement in the final report calling for local government land use plans to be based on identified sustainable water resources.

BULLETIN NO. 17-8

LEGISLATIVE COMMITTEE ON PUBLIC LANDS

Nevada Revised Statutes 218E.510

Members

Senator Donald (Don) G. Gustavson, Chair
Assemblyman Ira Hansen, Vice Chair
Senator Pete Goicoechea
Senator Ben Kieckhefer
Senator David R. Parks
Assemblyman John C. Ellison
Assemblywoman Heidi Swank
Assemblywoman Robin L. Titus, M.D.
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Nevada Revised Statutes

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

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

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

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

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

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

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

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

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

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

ABSTRACT

LEGISLATIVE COMMITTEE ON PUBLIC LANDS

Nevada Revised Statutes (NRS) 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 NRS 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 a wide range of subjects, covering all facets of forest and range science; methods of public land management and oversight; resources associated with public lands; 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 2015–2016 Interim. The meetings took place in Caliente, Carson City (2), Elko, Las Vegas, and Winnemucca.

The Committee received and discussed reports from:

- The Carson City, Elko, Ely, 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 Carson, Mountain City-Ruby Mountains-Jarbridge, and Santa Rosa Ranger Districts, and the Spring Mountains National Recreation Area, U.S. Forest Service, U.S. Department of Agriculture;
- The U.S. Bureau of Reclamation, DOI, in the Lower Colorado River Area;
- The Nevada State Office of the U.S. Fish and Wildlife Service, DOI, and its southern Nevada Office and the Sheldon-Hart Mountain National Wildlife Refuge Complex;
- Carson City and Clark, Elko, Eureka, Humboldt, Lincoln, Lyon, Pershing, and White Pine Counties;
- The Colorado River Commission of Nevada and the Southern Nevada Water Authority;
- The Sagebrush Ecosystem Program and the Land Use Planning Advisory Council, Division of State Lands, State Department of Conservation and Natural Resources;

- The State Department of Agriculture;
- Nevada's Department of Wildlife; and
- Nevada Association of Counties.

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

- Federal legislation;
- Clark County flood control;
- Basin and Range National Monument;
- Nevada's climate, atmospheric conditions, and precipitation outlook;
- Off-highway vehicles;
- Mining;
- Silver Peak Lithium Mine Operation;
- Legislative Commission's Subcommittee to Study Water;
- Eastern Nevada Landscape Coalition;
- Laws and regulations related to rodent control;
- Fencing on public lands adjacent to State-owned transportation right-of-ways;
- Walker Basin Restoration Program; and
- Nevada Drought Forum.

At its work session in Carson City, the Committee approved 4 proposals for drafting legislation and 13 proposals for letters or including statements in the final report. The topics covered included:

- General public lands issues;
- Estray horses, wild horses, and burros; and
- Off-highway vehicles.

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 2015–2016 Legislative Interim at meetings held on April 15, 2016, in Winnemucca, Nevada, and on May 20, 2016, in Caliente, Nevada, and at the Committee's final meeting held on August 19, 2016, in Carson City, Nevada. The bill draft requests (BDRs) will be forwarded to the Legislative Commission for transmittal to the 79th Session of the Nevada Legislature in 2017.

RECOMMENDATIONS FOR LEGISLATION

1. Draft a legislative resolution urging Congress to enact federal legislation requiring the approval of the Nevada Congressional Delegation prior to the designation of any future monuments located in the State of Nevada. **(BDR R–333)**
2. Request the drafting of a bill to allow: (1) for the discharge of a firearm on or across a federal, State, or county road for the purpose of varmint control; and (2) carrying a loaded weapon on or along a public way in a vehicle with the intent to shoot varmint. **(BDR 45–334)**
3. Request the drafting of a bill to clarify that a properly marked barbed wire fence meets the definition of a legal fence. **(BDR 15–335)**
4. Request the drafting of a bill to prohibit the State Engineer from considering wildlife a beneficial use when perfecting a water right. **(BDR 48–336)**

RECOMMENDATIONS FOR COMMITTEE ACTION: COMMITTEE LETTERS

5. Send a letter to the Bureau of Land Management (BLM), United States Department of the Interior, expressing the Committee's support for the Nevada Association of Counties' comments concerning the proposed changes to the BLM's planning regulations found in the Planning 2.0 initiative (81 FR 9674).
6. Send a letter to the Nevada State Director of the BLM to request commencement of negotiations concerning the Albemarle Corporation's proposal to purchase stockpiled salts located at the Silver Peak Mine site in Esmeralda County.

7. Send a letter to Nevada's Congressional Delegation expressing the Committee's support for Senate Joint Resolution No. 1 (File No. 30, *Statutes of Nevada 2015*), which urges Congress to enact legislation transferring title and ownership of certain federally administered land to the State of Nevada pursuant to the plan laid out in the Nevada Land Management Task Force report (Assembly Bill 227, [Chapter 299, *Statutes of Nevada 2013*]).
8. Send a letter to the Nevada State Director of the BLM, and the Forest Supervisor of the Humboldt-Toiyabe National Forest, U.S. Forest Service (USFS), U.S. Department of Agriculture (USDA), encouraging the incorporation of annual grasses into grazing level calculations and to ensure flexibility is built into grazing permits to allow for adaptive management as issues and concerns arise.
9. Send a letter to the Governor and the Director of the State Department of Conservation and Natural Resources (SDCNR) requesting the creation of a staff position within the SDCNR to assist counties in preparing land use plans and studies that analyze the economic and environmental impacts of various federal land management agency actions.
10. Send a letter to the Governor and Attorney General (AG) requesting funding support necessary to implement Senate Bill 456 (Chapter 452, *Statutes of Nevada 2015*), which urges the AG to take a leadership role in pursuing actions on behalf of the State and counties in formalizing and finalizing title to accessory roads and public roads.
11. Send a letter to the President of the Real Estate Commission, Real Estate Division, Department of Business and Industry, urging the Commission to investigate and take appropriate action to ensure that purchasers of land are aware of the consequences and responsibilities of signing an Open Range Disclosure as required by NRS 113.065.
12. Send a letter to the Office of the State Engineer, Division of Water Resources, SDCNR, requesting that the Office review all claims for water by the BLM and other federal agencies and immediately dispose of those claims that clearly do not meet the criteria of a Public Water Reserve No. 107 or a vested right.
13. Send a letter to the Nevada State Director of the BLM, and the Forest Supervisor of the Humboldt-Toiyabe National Forest, USFS, USDA, urging each agency to manage wild horses and burros in accordance with the provisions of the Wild Free-Roaming Horses and Burro Act (WH&B) of 1971. The Act authorizes the BLM to remove excess wild horses and burros from the range to sustain the health and productivity of public lands.
14. Send a letter to the Office of the AG requesting the AG to take any legal action deemed appropriate to compel the BLM and USFS to manage wild horse and burro herds as required by federal law under the WH&B Act and subsequent amendments.

15. Send a letter to the Chair of the Senate Committee on Finance and the Chair of the Assembly Committee on Ways and Means of the 2017 Legislative Session requesting support and the necessary funding to implement an effective management program for feral and estray horses.
16. Send a letter to the BLM seeking shared revenue from the sale of horses trained in the prison industry wild horse program, to expand the program to train more wild horses, and to share revenue from the sale of horses with the State and inmates involved in the training.
17. Send a letter to the Department of Motor Vehicles seeking information regarding the cost and feasibility of creating an Internet-based off-highway vehicles (OHVs) registration system.
18. Send a letter to the Director of the Department of Tourism and Cultural Affairs requesting that any OHV promotional information created by the Department relating to public lands also contain educational information regarding the legal use of OHVs.

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

19. Include a statement in the final report expressing the Committee's support of the lawsuit (*Western Exploration LLC, et. al. v. U.S. Department of the Interior, et. al.*) challenging the BLM's and USFS's land management plans regarding sage-grouse management in Nevada.

BULLETIN NO. 17-9

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

Nevada Revised Statutes 218E.555

Members

Senator Ben Kieckhefer, Chair
Assemblyman Jim Wheeler, Vice Chair
Senator David R. Parks
Senator James A. Settelmeyer
Assemblyman Michael C. Sprinkle
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Nevada Revised Statutes

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

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

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

3. The members of the Committee shall elect a Chair from one House 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](#))—
(Substituted in revision for NRS 218.53871)

ABSTRACT

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

Nevada Revised Statutes (NRS) 218E.555

The 72nd Session of the Nevada Legislature enacted Senate Bill 216 (Chapter 408, *Statutes of Nevada 2003*), which created a permanent statutory committee to provide oversight and review of the accountability, activities, budget, programs, and responsiveness 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 were 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 NRS 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 during the 2015–2016 Interim. The meetings addressed a variety of activities, issues, and programs 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 five bill drafts, send four Committee letters, and include three statements in the Committee’s final report.

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 (NRS) 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 throughout the 2015–2016 Interim. The bill draft requests (BDRs) will be forwarded to the Legislative Commission for transmittal to the 79th Session of the Nevada Legislature in 2017.

RECOMMENDATIONS FOR LEGISLATION

1. On November 4, 2016, the Committee voted unanimously to request legislation to clarify the intent of NRS 528.053 to apply to a timber owner, or its agent, conducting logging operations near bodies of water. The legislation is intended to ensure that residential and commercial landowners who are not conducting logging operations may create defensible space on their properties without obtaining a variance from a committee composed of the State Forester Firewarden, Division of Forestry, State Department of Conservation and Natural Resources (SDCNR); the Director of Nevada's Department of Wildlife; and the State Engineer, Division of Water Resources, SDCNR. **(BDR 47–492)**
2. On November 4, 2016, the Committee voted unanimously to request legislation to extend by ten years to June 30, 2030, the authority for the issuance of the general obligation bonds authorized but not yet issued to fund Nevada's apportioned share of the costs for the Lake Tahoe Environmental Improvement Program (EIP). The Lake Tahoe EIP is a partnership between Nevada and California, the federal government, local governments, and the private sector. The 2009 Nevada Legislature enacted Assembly Bill 18 (Chapter 431, *Statutes of Nevada*), which authorized the issuance of not more than \$100 million in general obligation bonds for the State's apportioned share of the costs for the second phase of the Lake Tahoe EIP between July 1, 2009, and June 30, 2020. Assembly Bill 18 was structured so that each legislative session the Division of State Lands, the coordinating entity for the Lake Tahoe EIP, would return to request legislative authorization for each installment of those bond sales. The total bonding authority approved to be issued for the second phase of the Lake Tahoe EIP is \$7.4 million, and the overall total bonding authority remaining is \$92.6 million. **(BDR S–493)**

3. On November 4, 2016, the Committee voted unanimously to request legislation to extend by five years to June 30, 2024, the authority for the issuance of 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.” In 2001, the Nevada Legislature approved A.B. 9 (Chapter 6, *Statutes of Nevada, 17th Special Session*), which required that a proposal be submitted to the voters of Nevada to issue general obligation bonds to protect, preserve, and obtain the benefits of the property and natural resources of Nevada. The total bonding was not to exceed \$200 million. The bill also provided for the creation of the Fund to Protect Natural Resources in the State General Fund to be administered by the Director of the SDCNR. The voters approved Question 1 on November 5, 2002. Most recently, Senate Bill 489 (Chapter 251, *Statutes of Nevada 2013*) extended the date for the issuance of general obligation bonds for the Question 1 Program to June 30, 2019. The money from the bonds was to be allocated to seven areas, including \$65.5 million to the Division of State Lands to provide grants for State agencies, local governments, or qualifying private nonprofit organizations for various programs, including conservation easements. Budgetary constraints resulted in a temporary suspension of bond sales. The remaining bond authority includes approximately \$18.5 million for a grant program administered by the Division of State Lands, and \$1.15 million of that is designated for the Stateline-to-Stateline Bikeway in the Lake Tahoe Basin. **(BDR S-494)**
4. On November 4, 2016, the Committee voted unanimously to request legislation to move any public entity created, and still operating, under Chapter 309 (“Local Improvement Districts”) to Chapter 318 (“General Improvement Districts”) of NRS and expand the membership of any such entity’s governing board to a five-member board with the five members elected at-large subject to general election laws. **(BDR XX-495)**
5. On November 4, 2016, the Committee voted unanimously to request legislation to provide for the creation of a general improvement district (GID) sunset committee, which includes members who are legislators, by a county that has one or more GIDs within its boundaries. The duties of the committee would be similar to those of the Sunset Subcommittee of the Legislative Commission (NRS 232B.210). **(BDR XX-496)**

RECOMMENDATIONS FOR COMMITTEE LETTERS

6. On November 30, 2015, the Committee voted unanimously to write to Nevada’s Congressional Delegation to request an update on the release of funds related to the outstanding debt of the Nevada Fire Safe Council (NFSC). The NFSC acted as an administrative clearinghouse for grants and as a community coordinator for fire prevention education, outreach, and work. It contracted with numerous entities for hazardous fuels treatment in the Lake Tahoe Basin until a hotline complaint received by the Office of Inspector General, United States Department of Agriculture, in July 2011, resulted in an investigation and the suspension of funding for relevant federal grants. Between 2008 and 2012, the NFSC was awarded over \$21 million in federal reimbursement grants. The NFSC filed for bankruptcy in 2012.

7. On May 26, 2016, the Committee again voted unanimously to write a letter to Nevada's Congressional Delegation relevant to the outstanding debt of the NFSC. On April 14, 2016, the bankruptcy trustee filed a "Motion to Approve Compromise of Estate's Claims" (Settlement Offer), which included an agreement from the U.S. Department of Justice to pay into the bankruptcy estate approximately \$2 million. That amount was to be allocated in an amount of approximately \$1.4 million to the subrecipients and vendors listed on Exhibit "A" of the Settlement Offer and approximately \$613,000 to be used by the bankruptcy trustee to pay the allowed claims in the bankruptcy, in order of priority. The Committee's letter requested further review of the amounts on the proofs of claim that differ from the amounts in the Settlement Offer.
8. On November 4, 2016, the Committee voted to send a Committee letter to the chairs and certain ranking members of the U.S. Congress's Senate Committee on Environment and Public Works, House Committee on Transportation and Infrastructure, and House Committee on Natural Resources in support of including the Lake Tahoe Restoration Act of 2015 (S.1724, 114th Congress) in the bicameral agreement on the Water Resources Development Act of 2016 (S.2848/H.R.5303, 114th Congress).
9. On November 4, 2016, the Committee voted unanimously to send a Committee letter to the State Board of Finance to urge the issuance of the bonds authorized, but not yet issued, for the support of the Lake Tahoe EIP. The letter will include a policy statement that a dependable, consistent amount of funding is necessary to ensure program success. The Committee noted that the State Board of Finance must balance out the needs of the State.

RECOMMENDATIONS FOR STATEMENTS IN THE COMMITTEE'S FINAL REPORT

10. On November 4, 2016, the Committee voted unanimously to include a statement in the Committee's final report in support of Nevada's participation in the bistate Tahoe Science Advisory Council. The Council was established through a memorandum of understanding between California and Nevada on February 12, 2015, for purposes of promoting and enhancing the best science available on matters of mutual interest to both states.
11. On November 4, 2016, the Committee voted unanimously to include a statement in the Committee's final report urging that fiber optic cable and all underground work be installed whenever feasible in conjunction with road construction in the Lake Tahoe Basin to improve connectivity and traffic efficiency while minimizing soil disturbance.
12. On November 4, 2016, the Committee voted unanimously to include a statement in the Committee's final report to encourage the Committee, during the 2017-2018 Interim, to focus on funding needs and potential solutions for transportation in the Lake Tahoe Basin.

BULLETIN NO. 17-10

LEGISLATIVE COMMITTEE ON EDUCATION

Nevada Revised Statutes 218E.605

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Senator Becky Harris, Vice Chair
Senator Scott T. Hammond
Senator Michael Roberson
Senator Joyce Woodhouse
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Nevada Revised Statutes

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

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

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

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

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

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

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

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

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

ABSTRACT

LEGISLATIVE COMMITTEE ON EDUCATION

Nevada Revised Statutes 218E.605

The Legislative Committee on Education (LCE) is a permanent committee of the Nevada Legislature whose authorization and duties are set forth in Chapter 218E of *Nevada Revised Statutes* (NRS). Created in 1997 with the enactment of Senate Bill 482 (Chapter 473, *Statutes of Nevada*), known as the “Nevada Education Reform Act,” the 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 creation of the LCE, its membership, and powers and duties are codified in NRS 218E.600 through 218E.615.

The LCE held six meetings during the 2015–2016 Interim. Because all but one member resided in Clark County, meetings were held in Las Vegas, Nevada, at the Grant Sawyer State Office Building and videoconferenced to the Legislative Building in Carson City, Nevada.

Pursuant to the LCE’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: school finance and student data systems; the administration of examinations; innovative approaches to improving education in other states; gifted and talented education; student mentoring; the linkage of K–12, post-secondary, and workforce data; teacher licensure, recruitment, and retention; school district facility needs and funding strategies; class-size reduction and several other K–12 education programs created or expanded by the 2015 Legislature; recommendations for policy action by the LCE; and issues relating to postsecondary education, including teacher preparation; the University of Nevada, Las Vegas, School of Medicine; and Western Governors University.

At its work session on July 28, 2016, the LCE approved 17 proposals for legislation to be considered by the 79th Session of the Nevada Legislature and another 24 proposals for issuing correspondence or including position statements in its final report. Bill draft requests relate to the following topics:

- Education reports;
- Instruction;
- Special education;
- Teachers;

- School funding;
- Longitudinal data;
- Miscellaneous matters related to preK-12 education; and
- Higher education.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON EDUCATION

Nevada Revised Statutes (NRS) 218E.605

The following is a summary of recommendations adopted by the Legislative Committee on Education (LCE) at its July 28, 2016, meeting. The Committee submits the following recommendations and bill draft requests (BDRs) to the 79th Session of the Nevada Legislature.

PROPOSAL RELATING TO FINANCIAL TRANSPARENCY

1. Online Posting of Data—Send a letter from the LCE to Nevada’s Department of Education (NDE), with a copy to the Fiscal Analysis Division, Legislative Counsel Bureau (LCB), requesting that the In\$ite education finance data be made publicly available online in a timely manner and to the fullest extent practical.

PROPOSALS RELATING TO SCHOOL ACCOUNTABILITY

2. Career Readiness Measures—Include a statement in the final report recommending NDE incorporate career readiness measures in the Nevada School Performance Framework for high schools.
3. Standardized Test Reporting—Send a letter from the LCE to NDE encouraging it to provide school districts the scores of third grade pupils on the English Language Arts Criterion-Referenced Test early enough for a retention decision to be made by the school before the summer break each year.

PROPOSALS RELATING TO EDUCATION REPORTS

4. Report of Accountability—*Nevada Revised Statutes* 385A.070 requires an annual report of accountability from the State Public Charter School Authority (SPCSA), the Achievement School District, each school district that sponsors a charter school, and each college or university within the Nevada System of Higher Education (NSHE) that sponsors a charter school.

Propose legislation to change the report due date and written notice from September 30 to December 31 to enable the inclusion of more recent data. **(BDR 34–326)**

5. Report on Pupil Achievement—*Nevada Revised Statutes* 385A.650 requires the principal of each public school to prepare a plan to improve the achievement of pupils enrolled in the school and submit the plan to certain persons.

Draft a letter from the LCE to NDE urging that, to the extent practicable, the report's format be simplified, redundancies be eliminated, and design be improved to facilitate efficient completion and submission.

6. Report of Accountability—Propose legislation to amend NRS 385A.400 by removing the requirement to provide written notice when the annual report of accountability is available. **(BDR 34–326)**
7. Notice of School Ratings—Propose legislation to amend subsection 3 of NRS 385A.720 to remove the requirement that written notice of the determinations and final ratings made for all schools in this State be provided. **(BDR 34–326)**
8. Notice of Exam Security—*Nevada Revised Statutes* 390.270 requires NDE to: (1) adopt and enforce a plan setting forth procedures to ensure the security of certain examinations and assessments; and (2) submit a copy of the plan to the State Board of Education and LCE.

Propose legislation to remove the requirement that NDE submit a copy of the plan to the State Board and LCE and instead require NDE to post the plan on its website on or before September 1 of each year. **(BDR 34–326)**

9. School Discipline Plans—Propose legislation to amend subsection 5 of NRS 392.4644 to remove the requirement that the Superintendent of Public Instruction submit a report of the compliance of schools and school districts in adopting school discipline plans to the LCB. **(BDR 34–326)**
10. Notice of Proposed Policy Changes—Propose legislation to amend NRS 386.365 to reduce the public notice required before policy changes are proposed in the Washoe and Clark County School Districts from 15 days to 13 days. **(BDR 34–326)**
11. Study of Education Reporting—Propose legislation to create an interim study during the 2017–2018 Interim of K–12 education reporting and possible strategies to modernize and streamline the system of reporting. **(BDR R–337)**

PROPOSALS RELATING TO INSTRUCTION

12. Personalized and Competency-Based Education—The following recommendations relate to competency-based education, which measures learning and allows pupil advancement upon demonstration of proficiency in a skill or subject, rather than

measuring how much time a pupil spends in a classroom. Proficiency can be shown through exams and performance-based tasks, including, without limitation, learning activities and assessments that require pupils to demonstrate their knowledge, understanding and proficiency, portfolios of pupils' work, and other approaches. Competency-based education is often viewed as a component of a broader strategy of pupil-centered learning, an instructional approach in which pupils influence the content, activities, and pace of learning.

Propose legislation to:

- Amend NRS 389.171, which authorizes school districts to award credit based upon demonstrated proficiency through examinations, to allow other means of receiving credit that may include, without limitation, performance-based tasks, portfolios or examples of student work, and prior learning. Also, authorize charter schools to award credit in the same manner.
- Require the State Board of Education to adopt regulations specifying alternative measures that may be used to demonstrate mastery.
- Establish a Competency-Based Education Task Force to meet during the 2017–2018 Interim. The Task Force will:
 - Consist of not more than 13 members appointed by the Governor who represent Nevada's community colleges, school districts, NDE, and Western Governors University;
 - Receive administrative support from NDE;
 - Serve without compensation or reimbursement of travel expenses from the Task Force, but members may be compensated or reimbursed by their employer;
 - Develop recommendations for the State Board of Education concerning competency-based education, including, without limitation, recommendations concerning:
 - Approaches to convert into competency measures requirements regarding the amount of time a pupil is required to spend in a classroom;
 - Tools for use in personalized learning and competency-based education;
 - Approaches to ensure appropriate pupil assessments are used to allow pupils to demonstrate proficiency;

- Strategies for improving competency-based learning through the use of technology; and
- Professional development relating to competency-based education and other supports to assist educators in transitioning to a competency-based system; and
- By April 30, 2018, prepare a report describing its activities and recommendations; the report must be posted online and submitted to the Governor and the LCE. **(BDR 34–327)**

13. Personalized and Competency-Based Education—Propose legislation to require NDE to:

- Conduct a statewide awareness campaign concerning personalized and competency-based education, including regional informational meetings with district superintendents, to increase understanding of and local interest in personalized and competency-based education;
- Facilitate a collaborative network of Nevada educators who are engaged in the practice of personalized and competency-based education so they may support one another and share effective practices; and
- Authorize NDE to distribute the money appropriated by the 2017 Legislature to the Account for Programs for Innovation and the Prevention of Remediation to carry out a program of personalized and competency-based education through a competitive grants program. Grants must be awarded to school districts and charter schools based upon the proposals submitted and funding available. Allowable grants activities shall include:
 - Investigating, developing, and implementing competency-based educational pathways for pupils;
 - Developing model competencies and performance measures;
 - Developing or acquiring appropriate assessments and other tools to monitor learning and measure competency;
 - Establishing school sites at which personalized and competency-based education can be observed;
 - Supporting transitions to personalized learning among participating schools;
 - Identifying and purchasing technical assistance and professional development materials; and
 - Documenting and sharing results, challenges, and lessons learned. **(BDR 34–327)**

14. Personalized and Competency-Based Education—Send letters from the LCE to NDE and the SPCSA urging them to encourage school districts and charter schools, respectively, to pursue personalized, competency-based education.
15. Distance Education—Send a letter from the LCE to the State Board of Education urging amending regulations related to distance education (see *Nevada Administrative Code* [NAC] 388.825), to include:
 - Amend NAC 388.825 to require course providers to adhere to nationally recognized quality standards (such as the *iNACOL National Standards for Quality Online Courses*) and to report to NDE performance outcomes at both the course and provider levels;
 - Amend NAC 388.825 to require course reauthorization for all providers to be contingent upon positive pupil outcomes and course evaluations;
 - To the extent practicable, for private providers of distance education, require course reauthorization to be contingent upon positive outcomes under school performance measures that apply to public schools in general; and
 - Require school districts to regularly notify pupils and families of distance education program opportunities.
16. Dual Language Immersion—Propose legislation to:
 - Authorize public elementary schools, including charter schools, to offer education using a dual language immersion model;
 - Require the State Board of Education to establish, by regulation, guidelines for the provision of dual language immersion education, including:
 - The process by which a school chooses its targeted foreign language with input from staff and parents;
 - The languages that may be offered, which must include Spanish, French, and Mandarin Chinese;
 - The manner in which a school will convert to the dual language immersion model, which may include a gradual introduction by grade level;
 - A requirement that 50 percent of required coursework be taught in English and 50 percent of required coursework be taught in the chosen foreign language;

- A requirement that an English-only option be made available to students who prefer not to take part in dual language immersion or who enter the school after their grade has commenced dual language immersion instruction; and
 - The process by which a school district or charter school may request a waiver from the State Board of Education for any of the requirements established by regulation. **(BDR 34-442)**
17. Dual Language Immersion—Propose legislation requiring NDE to create a competitive grant program which enables public elementary schools, including charter schools, the option to offer dual language immersion instruction and to apply for a grant for approval by NDE.

Such legislation will:

- Provide an appropriation beginning in Fiscal Year (FY) 2017–2018 to NDE, in an amount necessary to fund a 0.5 full-time equivalent (FTE) program manager and a 0.5 FTE program assistant to coordinate the program;
- Provide an appropriation of \$300,000 in FY 2018–2019 to NDE to fund up to 30 grants to individual elementary schools proposing to implement a dual language immersion model. Grants must be awarded by NDE on a competitive basis and will be awarded to school districts and charter schools that have been approved by the SPCSA;
- Provide an appropriation of \$300,000 in FY 2018–2019 to NDE to recruit teachers for participating schools, provide professional development for participating school personnel, establish performance measures, and provide technical assistance to grantees;
- Require NDE to determine the feasibility of adding American Sign Language as a foreign language under the program;
- Require grants to be made available to elementary schools beginning in FY 2018–2019. To the extent possible, grants will be awarded as follows: 20 schools in Clark County, 7 schools in Washoe County, and 3 in the balance of the State; and
- Require the State Board of Education to adopt regulations for the operation of the competitive grant program. **(BDR 34-442)**

PROPOSALS RELATING TO SPECIAL EDUCATION

18. Special Education Services—*Nevada Revised Statutes* 388.417 defines a “pupil with a disability” to mean a “child with a disability” who is under 22 years of age, as that term is defined in federal law.

Propose legislation to provide that a person with a disability who turns 22 years of age remains eligible to complete the school year irrespective of his or her age. **(BDR 34–328)**

PROPOSALS RELATING TO TEACHERS

19. Career Pathways—Include a statement in the final report urging each of Nevada’s school districts to utilize and expand upon existing policies and funding mechanisms, including, without limitation, performance pay programs and programs that provide enhanced compensation (see NRS 391A.450), in an effort to develop meaningful career pathways for teachers that enable them to advance in responsibility and compensation while remaining in the classroom.

20. Teacher Licensure—Propose legislation to:

- Amend NRS 391.032 to require, rather than authorize, the Commission on Professional Standards in Education to adopt regulations that provide for the issuance of conditional licenses to teachers before completion of all requirements for licensure;
- Enable licensed teachers or candidates for initial teacher licensure to demonstrate middle or high school subject matter competency (e.g., social studies, English, science, et cetera) through passage of a subject matter competency exam, in lieu of content area coursework requirements for a postsecondary major or minor in that subject;
- Require the Commission to adopt regulations that provide for the issuance of provisional, nonrenewable licenses in addition to conditional licenses; and
- Amend NRS 391.032 to require the regulations adopted by the Commission, which provide for the reciprocal licensure of educational personnel from other states, to include an exemption from examinations required for initial licensure for teachers and other educational personnel who are licensed in another state. **(BDR 34–329)**

21. Career and Technical Education Teachers—Send a letter from the LCE to the Board of Regents, the State Board of Education, and the Commission on Professional Standards in Education suggesting they jointly develop a plan to improve the pipeline of Career and Technical Education certified teachers adequate to Nevada’s needs.

22. National Board Teacher Certification—Send a letter from the LCE to NDE, with a copy to the Governor, encouraging NDE to assess the number of reimbursement requests for National Board for Professional Teaching Standards certifications anticipated during each year of the 2017–2019 Biennium and to request an appropriate budget enhancement for submission to the 2017 Legislature.

PROPOSALS RELATING TO SCHOOL FUNDING

23. Peer Assistance and Review—Include a statement in the final report urging the Nevada Legislature to determine the impact of the program of peer assistance and review on educational personnel and pupil outcomes and consider expanding the program within the Clark County School District and to other school districts.
24. Charter Schools—Propose legislation to remove the exception for charter schools from the class-size reduction (CSR) requirements of NRS 388.700 and revise statutes as necessary to make the CSR requirements applicable to charter schools, including:
- Amending NRS 388.700 to authorize the governing body of a charter school that exceeds the ratio of pupils per class to request a variance from the State Board of Education. Before requesting such a variance, the governing body of a charter school must receive approval from the sponsor to request the variance;
 - Requiring NDE to notify the sponsor of each charter school that exceeds the required pupil-teacher ratios and has not received a variance from the State Board of Education;
 - Amending NRS 388.710 to require the State Board of Education to consult with a representative of the Charter School Association of Nevada and a representative of the SPCSA to determine the data that each charter school is required to monitor and use;
 - Amending NRS 388.720, which authorizes certain school districts to develop a plan to reduce the district's pupil-teacher ratios per class that uses alternative pupil-teacher ratios, to authorize charter schools to develop such a plan with the approval of the sponsor of the charter school;
 - Amending NRS 388.723 to require NDE to develop policies and procedures for communicating with the governing body of each charter school, in addition to the board of trustees of each school district, regarding its expectations relating to CSR; and
 - Ensuring school district budgets are held harmless in the allocation of CSR funds to charter schools. **(BDR 34–330)**

25. Early Childhood Education—Include a statement in the final report encouraging the Governor and Legislature to expand the resources available for early childhood education, particularly for children assessed to be at risk of experiencing difficulty upon entry into kindergarten.
26. K-12 Education Funding—Include a statement in the final report urging adequate and equitable funding for K-12 education; continued progress toward a weighted K-12 funding formula for English language learners, pupils receiving free and reduced-price lunch, pupils in special education, and pupils in gifted and talented education; and an ongoing review of the base funding appropriated and categorical programs created or expanded by the 2015 Legislature.

PROPOSALS RELATED TO LONGITUDINAL DATA

27. P-20W Advisory Council—Propose legislation to abolish the P-20W Advisory Council (NRS 400.030) and replace it with a committee responsible for coordinating and managing the Nevada P-20 to Workforce Research Data System (commonly referred to as NPWR), as follows:
 - Members of the committee will be appointed by the Governor;
 - Members will include the Superintendent of Public Instruction; Director of the Department of Employment, Training and Rehabilitation (DETR); and Chancellor of NSHE, or their representatives;
 - Additional agency leaders, or their representatives, may be appointed by the Governor to the committee after nomination by a majority vote of the committee;
 - Terms of appointment will be three years, with no limit on the number of terms to which an individual member may be reappointed;
 - Vacancies will be filled in the same manner as an original appointment;
 - Committee members serve without compensation or reimbursement for travel expenses by the committee; and
 - The committee will meet at least annually and at other times deemed necessary by the Chair, who will be elected on an annual basis by a majority vote of the members.

The committee's duties will include:

- Overseeing the statewide longitudinal data system;

- Establishing the research agenda for the NPWR;
- Assisting and advising NDE, DETR, and NSHE in applying for grants, preparing budgets, or proposing legislation related to the committee’s work or for the operations of the NPWR;
- Advising member agencies in matters related to contracts necessary for the operation or utilization of the NPWR; and
- Issuing, by July 31 of even-numbered years, a biennial report of its activities for posting online and submission to the Governor and the Legislature.

The Department of Employment, Training and Rehabilitation will be required to provide any administrative support necessary for the committee. **(BDR 34–331)**

28. Nevada P-20 to Workforce Research Data System Staffing—Include a statement in the final report supporting the creation of a position within DETR to coordinate the interagency NPWR effort and a position in the Office of the Governor to develop policy recommendations based upon NPWR data.

PROPOSALS RELATING TO MISCELLANEOUS PRE-K THROUGH 12 MATTERS

29. Braille Literacy—Include a statement in the final report in support of providing braille literacy education for blind children at the earliest appropriate age in Nevada’s public schools.
30. Deaf Education—Include a statement in the final report encouraging NDE to assist early childhood education programs in providing instruction in American Sign Language to children who are deaf or hard of hearing. Such assistance may include finding and securing financial resources, locating instructional materials and tools, identifying professionals with the necessary skills to deliver instruction, or other similar assistance.
31. Graduation Standards—Include a statement in the final report recommending NDE to develop multiple diploma options that are aligned with certain paths for pupils after high school and ensure a pupil’s readiness for his or her chosen path; options might include community-, career-, and college-ready diplomas. Further, recommend each diploma be achievable through a “portfolio” of achievement that may include, without limitation, demonstration of proficiency through: (1) standardized test scores; (2) standards-based academic projects; (3) work experience and internships; (4) community service; (5) performance on military assessments; (6) certifications and certificates; and (7) postsecondary schooling and dual credit.

32. School Social Workers—Send a letter from the LCE to the Legislative Committee on Health Care urging it to propose legislation to change Nevada’s social worker interstate licensure reciprocity so licensure eligibility is based upon fair and objective criteria.
33. School Leadership—Propose legislation to create an Interim Advisory Task Force on School Leader Management. Such legislation will include the following:
- Require the Task Force to study issues relating to the Nevada Educator Performance Framework for school administrators as a foundation to link and align systems of school leader certification, compensation, evaluation, preparation, professional development, and recruitment.
 - Provide that a member of the Task Force who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that he or she may prepare for and attend meetings of the Task Force and perform any work necessary to carry out the duties of the Task Force in the most timely manner practicable.
 - A State agency or political subdivision of this State shall not require an officer or employee who is a member of the Task Force to: (1) make up the time the member is absent from work to carry out his or her duties as a member of the Task Force; or (2) take annual leave or compensatory time for the absence.
 - By no later than December 31, 2017, the Task Force shall consist of:
 - Two members of the State Board of Education, appointed by the President of the Board;
 - Two members of the Senate, 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;
 - Two 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; and
 - One member who is a principal, appointed by the Nevada Association of School Administrators.
 - Require the Task Force to prepare a report by May 31, 2018, for submission to the Governor, the State Board of Education, and the Legislature, describing its activities and recommendations.
 - Provide that legislators who are members of the Task Force are entitled to receive the salary provided for legislators generally.

- Provide, to the extent money is available for that purpose, that members of the Task Force who are not Legislators also are entitled to receive compensation. **(BDR S-332)**
34. **School Culture**—Include a statement in the final report encouraging NDE to work with school districts and the SPCSA to assess the professional and academic culture and climate of Nevada’s schools. Further, encourage NDE to support the SPCSA and each district in developing plans to support high-performance cultures and positive school climates.
 35. **School Leadership**—Include a statement in the final report encouraging each of Nevada’s school districts to develop a comprehensive system of school leader management which includes using the Nevada Educator Performance Framework for administrators as a foundation to link and align principal certification, compensation, evaluation, preparation, professional development, and recruitment. The goal of the system should be to ensure the recruitment and development of effective principals who achieve the outcomes desired by each school and its community.
 36. **Class-Size Reduction**—Send a letter from the LCE to NDE requesting a change to the CSR variance request process, allowing a single signature from a school district superintendent as certification when attached to all the district’s variance requests in a given reporting period, and encouraging a dialogue between NDE and school districts to discuss reducing the paperwork burden and making the variance request process more efficient.

PROPOSALS RELATING TO HIGHER EDUCATION

37. **Medical Education**—Include a statement in the final report recommending continued funding for the University of Nevada, Las Vegas, School of Medicine and increased funding for graduate medical education at both of Nevada’s public medical schools.
38. **Financial Aid**—Send a letter from the LCE to the money committees urging the Legislature to provide adequate funding for the Silver State Opportunity Grant Program (see NRS 396.952).
39. **Financial Aid**—Send a letter from the LCE to members of the Legislature, the Governor, and NSHE supporting the amendment of the eligibility requirements specified in the Silver State Opportunity Grant Program (see NRS 396.952) to allow students greater flexibility in the required credit hours, based upon their work and family commitments.

40. U-Teach Program—Include a statement in the final report urging NSHE to determine the impact of the U-Teach program, which recruits college students studying science, technology, engineering, and mathematics subjects, and support them in pursuing careers as secondary school teachers and consider expanding the program.
41. Workforce Development—Include a statement in the final report supporting capacity building for workforce development through the State's community colleges.

BULLETIN NO. 17-11

LEGISLATIVE COMMITTEE ON CHILD WELFARE AND JUVENILE JUSTICE

Nevada Revised Statutes 218E.705

Members

Senator Scott T. Hammond, Chair
Assemblyman John Hambrick, Vice Chair
Senator Becky Harris
Senator Joyce Woodhouse
Assemblyman James Ohrenschall
Assemblyman Philip (P. K.) O'Neill

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Nevada Revised Statutes

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

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

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

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

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

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

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

ABSTRACT

LEGISLATIVE COMMITTEE ON CHILD WELFARE AND JUVENILE JUSTICE

Nevada Revised Statutes 218E.705

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 2015–2016 Interim, the Committee held four meetings, including a work session. Three of the meetings were held at the Grant Sawyer State Office Building in Las Vegas, Nevada, with simultaneous videoconferencing to the Legislative Building in Carson City, Nevada. One meeting was held at the Legislative Building in Carson City. The summaries of testimony and exhibits are available online at: <https://www.leg.state.nv.us/App/InterimCommittee/REL/Interim2015/Committee/255>.

During each meeting, 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) revision of laws related to the protection of children; (2) improvements to programs designed to assist Nevada's foster youth population; (3) crossover populations in the child welfare and juvenile justice systems; (4) proposals made by the Supreme Court of Nevada's Commission on Statewide Juvenile Justice Reform; (5) development of a new juvenile assessment center in Clark County, known as "The Harbor"; (6) reviewing the work and priorities of several child welfare related organizations; (7) sentencing and incarceration of juvenile offenders; and (8) challenges in securing consistent funding for programs in the child welfare and juvenile justice arenas, including funding for so-called "front-end" programming intended to intervene before a child becomes formally involved with the juvenile justice or child welfare systems.

During its final meeting and work session, the Committee adopted five recommendations for bill draft requests (BDRs) to be considered by the 2017 Nevada Legislature. These BDRs concern foster care related background checks, creating a statutory basis to establish paternity in certain dependency cases, juvenile sex offender registration, revision of certain penalties for persons under 18 years of age, and information sharing among entities involved with juvenile justice.

SUMMARY OF RECOMMENDATIONS

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

Nevada Revised Statutes (NRS) 218E.705

This summary presents the recommendations adopted by the Legislative Committee on Child Welfare and Juvenile Justice during its August 22, 2016, meeting. The Committee submits the following recommendations and bill draft requests (BDRs) to the 79th Session of the Nevada Legislature.

RECOMMENDATIONS FOR LEGISLATION

Establishing Paternity

1. Draft legislation to authorize the establishment of paternity under Chapter 432B (“Protection of Children From Abuse and Neglect”) of NRS regarding abuse and neglect cases in a way similar to what is currently set forth in Chapter 425 (“Support of Dependent Children”) of NRS regarding child support. **(BDR 38–344)**

Juvenile Sex Offender Registration and Notification

2. Draft legislation amending language in NRS 62A.030, NRS 62B.410, NRS 62H.110, NRS 62H.120, NRS 179D.035, and Chapter 62F (“Juvenile Sex Offenders”) of NRS, revising provisions governing registration and community notification of juveniles adjudicated delinquent for committing certain sexual offenses. **(BDR 5–345)**

Unintended Penalties for Certain Juveniles

3. Draft legislation amending Chapter 201 (“Crimes Against Public Decency and Good Morals”) of NRS to remove increased penalties for certain juvenile offenders that were unintendedly added during the 2015 Legislative Session. **(BDR 15–346)**

Juvenile Justice Information Sharing

4. Draft legislation amending Chapter 62H (“Records Related to Children”) of NRS to allow juvenile justice agencies to release juvenile justice information to a law enforcement agency actively engaged in a criminal or delinquency investigation or emergency situation involving a delinquent child or any other child who is otherwise subject to the jurisdiction of the juvenile court that poses a serious threat to public, officer, or child’s safety. **(BDR 5–347)**

Foster Homes—Background Checks

5. Draft legislation amending Chapter 424 (“Foster Homes for Children”) of NRS to revise several provisions regarding foster home licensee background checks in order to comply with federal law. **(BDR 38–348)**

RECOMMENDATIONS FOR COMMITTEE ACTION

In addition, the Committee directed staff to:

6. Draft a letter to the Governor of the State of Nevada, with copies to the members of the Senate Committee on Finance and the Assembly Committee on Ways and Means, urging that the Governor include in his *Executive Budget*, and the Legislature support, funding to accommodate requests made by various child welfare and juvenile justice entities across the State to provide improved “front-end” programming for at-risk youth. These programs provide various services intended to intervene and assist these youth and their families before the youth become formally engaged with child welfare or juvenile justice systems. The letter is to express the Committee’s strong belief that these programs are not only crucial in the effort to keep youth out of the juvenile justice system and on the right path but that they also represent an important cost savings measure for the State.
7. Draft a letter to the members of the Senate Committee on Finance and the Assembly Committee on Ways and Means, with a copy to the Governor, regarding the funding mechanism and management of the program for extended judicial oversight of youth who elect to stay in the foster care system beyond the age of 18. The letter should voice the Committee’s belief that: (1) the capped block grant funding mechanism originally approved for the program may need to be changed; (2) if the right funding mechanism is approved, federal funds may become available; and (3) better data collection and an assessment of the program’s success is likely needed.
8. Draft a letter to the Governor and the Director of Nevada’s Department of Health and Human Services (DHHS), with copies to the Senate Committee on Finance and the Assembly Committee on Ways and Means, expressing the Committee’s support of the ongoing work and main service priorities of the Clark County Children’s Mental Health Consortium. The letter should request that the Governor and DHHS support this work via financial support to be included in the Governor’s *Executive Budget* for the 2017–2019 Biennium.

9. Draft a letter to the Senate Committee on Finance and the Assembly Committee on Ways and Means, with copies to the Governor and the Director of DHHS, expressing the Committee's strong belief that DHHS should replace the Unified Nevada Information Technology for Youth (UNITY) juvenile justice and child welfare case management system as soon as it is economically and technologically feasible. The system is out of date and no longer offers the functionality necessary to service the needs of the people it is intended to serve. The letter will express the Committee's hope that both the Legislature and the Governor will commit the necessary funding to replace UNITY as soon as possible.

BULLETIN NO. 17-12

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

Nevada Revised Statutes 218E.750

Members

Senator Joseph (Joe) P. Hardy, M.D., Chair
Assemblyman Philip (P. K.) O'Neill, Vice Chair
Senator Mark A. Manendo
Senator Patricia (Pat) Spearman
Assemblywoman Ellen B. Spiegel
Assemblyman Lynn D. Stewart

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Nevada Revised Statutes

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

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

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

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

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

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

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

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

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

ABSTRACT

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

Nevada Revised Statutes 218E.750

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

The Legislative Commission appointed six members to the Committee, including Senator Joseph (Joe) P. Hardy, M.D. (Chair), Assemblyman Philip (P. K.) O'Neill (Vice Chair), Senator Mark A. Manendo, Senator Patricia (Pat) Spearman, Assemblywoman Ellen B. Spiegel, and Assemblyman Lynn D. Stewart. The Committee met four times in Las Vegas, Nevada, at the Grant Sawyer State Office Building on February 22, March 28, June 13, and July 18, 2016. All four meetings were broadcast live on the Internet and videoconferenced to the Legislative Building in Carson City, Nevada, which allowed testimony from both locations.

During the course of the interim, representatives from State and local agencies, businesses, community groups, nonprofit and professional organizations, and the public provided testimony on a wide range of topics related to senior citizens, veterans, and adults with special needs.

During the first meeting on February 22, 2016, the Committee heard testimony related to military veterans in Nevada.

At the second meeting on March 28, 2016, the Committee heard testimony related to seniors and adults with special needs and their ability to access health care providers and services. In addition, the Committee received an update on the Senior Rx and Disability Rx programs and laws pertaining to residential facilities for groups and independent living programs.

Testimony during the third meeting on June 13, 2016, related to topics such as military and veteran education services and programs, services and programs for college students with disabilities, and certain services and programs for persons who are deaf or hard of hearing.

During the fourth and final meeting on July 18, 2016, the Committee received a report regarding the status of senior health in our country and held a work session during which the members considered 14 recommendations. The members voted to forward five recommendations as bill draft requests (BDRs) to the 79th Session of the Nevada Legislature and to write eight letters to various entities expressing their support for specific issues. The BDRs relate to the following topics:

1. Sign language interpreters in the Aging and Disability Services Division, Department of Health and Human Services;
2. Funding to support the Meals on Wheels Program;
3. Revisions to certain laws regarding residential facilities for groups;
4. Funding to support the Adopt a Vet Dental Program; and
5. Revisions to the Veterans Treatment Court.

SUMMARY OF RECOMMENDATIONS

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

Nevada Revised Statutes (NRS) 218E.750

On July 18, 2016, during the fourth and final meeting of the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs (NRS 218E.750), the members conducted a work session and voted to forward five recommendations as bill draft requests (BDRs) to the 2017 Legislative Session and to have eight letters drafted to various entities expressing their support for specific issues or encouraging certain actions. During the work session, the members also voted to include several statements of support for issues in the Committee's bulletin (interim study report). A summary of each BDR and letter follows, while the statements of support will appear in the Committee's final report (Bulletin No. 17-12), available at: <http://www.leg.state.nv.us/Division/Research/Publications/InterimReports/2017/>.

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

BILL DRAFT REQUESTS

1. Submit a BDR appropriating \$378,953.28 (\$94,738.32 for each position) to the Aging and Disability Services Division (ADSD), Department of Health and Human Services (DHHS), to convert four sign language interpreter contracted positions to State employee positions at a Grade 37, Step 5. **(BDR S-145)**
2. Submit a BDR appropriating \$1,060,000 to ADSD to support the cost of Meals on Wheels (MOW) not covered by the federal government and to provide MOW to eligible individuals currently on the waiting list. **(BDR S-152)**
3. Submit a BDR revising the following provisions related to residential facilities for groups (as defined in NRS 449.017):
 - a. Define residential facilities for groups, with no more than ten residents, as a single family home, and specify that such facilities are deemed residential and not commercial for the purpose related to building codes and zoning;
 - b. Require residential facilities for groups with two or more residents to maintain an NFPA 13R residential sprinkler system; **(BDR 22-146)** and

- c. Enact a provision that revises minimum wage and overtime requirements and other applicable State laws related to domestic service employees who reside in the household to conform to 29 C.F.R. § 552.102 (2016). **(BDR 53–149)**
- 4. Submit a BDR to appropriate funds in the amount of \$124,981 per fiscal year (FY) for State FY 2018 and FY 2019 to support the Adopt a Vet Dental Program. **(BDR S–147)**
- 5. Submit a BDR making the following revisions to Veterans Treatment Courts (VTCs) (NRS 176A.280):
 - a. Appropriate funding in the amount of \$200,222 for a VTC coordinator at the Eighth Judicial District Court level and redraft Assembly Bill 327 (2015), a failed measure; **(BDR S–148)**
 - b. Grant authority for the Division of Parole and Probation, Department of Public Safety, to supervise a defendant assigned to a program established pursuant to a VTC;
 - c. Amend applicable sections of NRS to authorize a district court to assume original jurisdiction of a case involving an eligible defendant—upon a motion by the defendant—in addition to the current procedure whereby the district court may assume jurisdiction upon transfer by a justice or municipal court; and
 - d. Amend applicable sections of NRS to create an exception to the prohibition on a prosecuting attorney dismissing a charge of committing battery, which constituted domestic violence, or violating certain laws related to driving under the influence (NRS 484C.110 or 484C.120), in exchange for a plea of guilty, guilty but mentally ill, or nolo contendere to a lesser charge, or for any other reason unless the attorney knows or it is obvious that the charge is not supported by probable cause, or cannot be proved at the time of trial, to allow a defendant who pleads guilty to those crimes to be assigned to a program established pursuant to a VTC. **(BDR 14–150)**

DRAFT LETTERS

- 6. Submit a letter to the Nevada System of Higher Education (NSHE) expressing the Committee’s support for the development of a bachelor degree level sign language interpreter training program and encouraging the development of such a program within one or more NSHE institutions with the goal of increasing the number of highly qualified sign language interpreters in Nevada.

7. Submit a letter to the Governor of the State of Nevada and the Director of DHHS recommending and expressing support for strong consideration of the following National Alliance on Mental Illness (NAMI), Nevada, recommendations related to expanding Medicaid managed care:
 - a. The State should first evaluate the success of Nevada managed care over the last six years before extending the managed care experiment to additional and more vulnerable populations, looking closely at the handling of disabled and vulnerable populations currently enrolled in Medicaid managed care organizations (MCOs), particularly individuals enrolled since the 2014 Medicaid expansion.
 - b. The State evaluation vendor shall conduct very specialized focus groups with those in Nevada who would be affected by a shift to managed care on a population-by-population basis.
 - c. The State should evaluate the adequacy of current long-term services and supports (LTSS) reimbursement rates before moving waiver clients to managed care. If rates are found to be inadequate to assure adequate access to care, rates should be raised before moving this population to Medicaid managed care. This will provide a more appropriate base cost in order to establish appropriate premiums paid to Medicaid MCOs.
 - d. The State should conduct a comprehensive access study on par with that which is required under new rules for the Medicaid fee-for-service (FFS) program.
 - e. The State should evaluate the experience of similar Medicaid managed care expansions in other states. The evaluation should include “managed fee-for-service” or hybrid delivery systems like the program in place in Connecticut. The State should also consider voluntary Medicaid managed care enrollment for vulnerable populations as an option prior to mandatory enrollment in Medicaid managed care;
 - f. The State should conduct focus groups, town hall meetings, and listening sessions to hear the needs and concerns for those affected on a population-by-population basis before considering additional populations and communities in Medicaid managed care, particularly rural communities. Each has unique needs and concerns that should be addressed before moving them to managed care.
 - g. The State needs to determine whether current Medicaid FFS and managed care programs are in compliance with legal mandates, including its obligations under *Olmstead vs. L.C.*, 527 U.S. 581 (1999); Centers for Medicare and Medicaid Services (CMS) person-centered planning rules; the Mental Health Parity and Addiction Equity Act of 2008; and the Patient Protection and Affordable Care Act nondiscrimination rules.

- h. The State should assure all LTSS waiver waiting lists are eliminated before transitioning these clients to Medicaid managed care.
- 8. Submit a letter to the Director of DHHS conveying support for the following policy positions:
 - a. Regarding the Autism Treatment Assistance Program (ATAP), ADSD, DHHS, policies and programs:
 - i. Retain parents' ability to hire their own interventionists with the assistance of a fiscal agent;
 - ii. Allow payment to interventionists working under the supervision of a board certified behavior analyst (BCBA), without requiring a registered behavior technician (RBT) credential, until at least such time there is a sufficient RBT workforce;
 - iii. Delay the transfer of individual Medicaid-eligible children to Medicaid providers until there is a Medicaid provider ready, willing, and able to seamlessly accept and treat the child; and
 - iv. Continue to "ramp up" its efforts to serve children as a Medicaid provider, utilizing children's current interventionists as much as is practicable.
 - b. Regarding Medicaid policy and programs:
 - i. Increase the RBT rate to \$43.88, as adopted by TRICARE, without waiting to analyze claims data;
 - ii. Encourage Nevada Medicaid to explore with CMS the adoption of the approach taken by ATAP to allow payment for services provided by interventionists under the supervision of a BCBA up to six months while obtaining the RBT credential; and
 - iii. Support through our higher education system the efforts to grow our BCBA and board certified assistant behavior analyst (BCaBA) workforce and encourage the Department of Employment, Training and Rehabilitation to include the BCaBA and RBT in its programs.
- 9. Submit a letter to the United States Department of Veterans Affairs (DVA) requesting that the agency revisit the formula pertaining to the funding of new veterans homes. Currently, health, safety, structural damage concerns, and renovations are given priority over new constructions in receiving grant funding. The formula does not give priority to the unique need for new facilities in rural states where proximity limits access.

10. Submit a letter to the DVA requesting a review of the requirements to certify volunteer drivers for transporting veterans to medical appointments. Specifically, encouraging the DVA to consider revising some of the restrictions for volunteer drivers with manageable chronic health conditions, such as diabetes and hypertension. The restrictions greatly limit the ability to certify retired veterans who historically have been a primary source of volunteer drivers for programs in rural Nevada.
11. Submit a letter to NSHE regarding veterans-related education programs and policies:
 - a. Encouraging the adoption of consistent policies across all NSHE institutions to recognize courses and award educational credit for courses that were part of a veteran's military training or service if the courses meet the standards of the American Council on Education or equivalent standards for awarding academic credit;
 - b. Encouraging the development of policies that create an admission preference for veterans and national guard members applying for admission into competitive academic degree programs, with an emphasis on degree programs that increase the availability of professionals in workforce shortage areas in Nevada, such as degree programs that support K-12 education and health care professionals; and
 - c. Expressing the Committee's support for veterans service offices (VSOs) and veterans resource centers (VRCs) on the campuses of NSHE universities and colleges and encouraging inclusion in the budget request funding for the continuation of VSOs and VRCs that are currently funded through the Trade Adjustment Assistance Community College and Career Training Grant Program.
12. Submit a letter to NSHE expressing support for extending the time limit in which Fry Scholarship recipients who enroll at an NSHE institution are eligible to receive a nonresident tuition exemption from the current period of eligibility (within three years of a veteran being discharged or released from military service) to the duration of the time they are eligible to receive the scholarship. According to the DVA:

The Marine Gunnery Sergeant John David Fry Scholarship (Fry Scholarship) provides Post-9/11 GI Bill benefits to the children and surviving spouses of Service members who died in the line of duty while on active duty after September 10, 2001. Pursuant to federal guidelines children are eligible as of their 18th birthday (unless they have already graduated high school). A child may be married or over 23 and still be eligible, although their eligibility ends on their 33rd birthday. A surviving spouse will lose eligibility to this benefit upon remarriage. A spouse has 15 years from the date of death of the Service member to use the benefit.

13. Submit a letter to the Governor and the Adjutant General of Nevada in the Office of the Military expressing support for the Work for Warriors (WFW) employment assistance program and encouraging State funding of the program beyond September 2018. Testimony indicated the current federal funding that supports the WFW ends in September 2018, at which time the WFW program will end if it does not receive continued funding.

BULLETIN NO. 17-13

LEGISLATIVE COMMITTEE ON ENERGY

Nevada Revised Statutes 218E.805

Members

Assemblyman Erven T. Nelson, Chair (Resigned)*
Assemblyman Stephen H. Silberkraus, Chair
Senator James A. Settelmeyer, Vice Chair
Senator Kelvin D. Atkinson
Senator Michael Roberson
Assemblywoman Olivia Diaz
Assemblyman Randy Kirner

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**Note: The Legislative Commission appointed Assemblyman Stephen H. Silberkraus as Chair of the Committee on April 4, 2016, to replace Assemblyman Erven T. Nelson who resigned from the Assembly on February 10, 2016.*

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

The Legislative Committee on Energy 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 that 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 2015–2016 Interim, the Committee held five 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, Nevada, and the Grant Sawyer State Office Building in Las Vegas. The summaries of testimony and exhibits are available online at: <https://www.leg.state.nv.us/App/InterimCommittee/REL/Interim2015/Committee/265>.

During its final meeting and work session, the Committee adopted one recommendation as a bill draft request for consideration during the 2017 Session of the Nevada Legislature. The Committee also adopted one recommendation to draft a letter supporting the Nevada Electric Highway.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON ENERGY

Nevada Revised Statutes (NRS) 218E.805

The Legislative Committee on Energy held a final work session on August 22, 2016. During the work session, the Committee voted to approve one recommendation for a bill draft request (BDR) and one recommendation for the drafting of a letter. A summary of each recommendation is identified below.

RECOMMENDATION FOR LEGISLATION

1. Draft a bill to discontinue the Solar Thermal Systems Demonstration Program (NRS 701B.336). **(BDR 58-338)**

RECOMMENDATION FOR COMMITTEE ACTION: DRAFT A LETTER

2. Draft a letter to the Governor's Office of Energy and NV Energy supporting the Nevada Electric Highway, which is a network of charging stations along United States Route 95. Additionally, the letter would include support for the next phase of the project, which includes connecting Interstate 80, U.S. Route 50, and U.S. Route 93.

BULLETIN NO. 17-14

SUNSET SUBCOMMITTEE OF THE LEGISLATIVE COMMISSION

Nevada Revised Statutes 232B.210

Members

Senator James A. Settelmeyer, Chair
Assemblyman Glenn E. Trowbridge, Vice Chair
Senator Donald (Don) G. Gustavson
Senator David R. Parks
Assemblywoman Irene Bustamante Adams
Assemblyman Chris Edwards
Assemblyman Erven T. Nelson (Resigned)*

Nonvoting Members

Carmen Amen
William (Buzz) Harris
Teresa (Terry) Rankin

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**Note: Assemblyman Erven T. Nelson resigned from office on February 10, 2016, and was replaced on the Sunset Subcommittee by Assemblyman Chris Edwards.*

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 NRS 232B.210.

The Subcommittee consists of six legislative members appointed by legislative leaders. Three nonvoting members are appointed by the Chair of the Legislative Commission from nominations submitted by the Governor.

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 that 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 Subcommittee held seven meetings, including five 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 34 entities during the 2015–2016 Interim. For the first time, the Subcommittee recommended an audit of a professional licensing board to be conducted by the Legislative Auditor. The Subcommittee took action on each entity and made recommendations either to continue, revise, consolidate, or terminate each board or commission. In addition, the Subcommittee received status reports from several entities about which it had made recommendations resulting from the study conducted during the 2013–2014 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 (NRS) 232B.210

This summary presents the recommendations approved by the Sunset Subcommittee of the Legislative Commission at its work sessions held on February 9, February 23, March 15, April 21, and June 16, 2016. The recommendations will be submitted to the Legislative Commission for its consideration and possible inclusion in bill draft requests to be forwarded to the 2017 Legislature.

Entities Continued

1. Employee-Management Committee (NRS 284.068)
2. Committee on Catastrophic Leave (NRS 284.3627)
3. State Council for the Coordination of the Interstate Compact on Educational Opportunity for Military Children (NRS 388F.020)
4. Nevada Commission on Services for Persons with Disabilities (NRS 427A.1211)
5. Board of Trustees of the Fund for Hospital Care to Indigent Persons (NRS 428.195)
6. State 4-H Camp Advisory Council (NRS 550.035)
7. Nevada Junior Livestock Show Board (NRS 563.010)
8. Board for the Administration of the Subsequent Injury Account for Self-Insured Employers (NRS 616B.548)
9. Board for the Administration of the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers (NRS 616B.569)
10. Appeals Panel for Industrial Insurance (NRS 616B.760)
11. Occupational Safety and Health Review Board (NRS 618.565)
12. Committee on Dental Hygiene (NRS 631.205)
13. Nevada State Board of Optometry (NRS 636.030)
14. Board of Dispensing Opticians (NRS 637.030)
15. New Energy Industry Task Force (NRS 701.500)
16. Public Utilities Commission of Nevada (NRS 703.020)

Entities Continued With Recommendations for Statutory Revisions

1. Commission for Common-Interest Communities and Condominium Hotels (NRS 116.600)
2. Advisory Committee on Participatory Democracy (NRS 225.240)
3. Personnel Commission (NRS 284.030)
4. Merit Award Board (NRS 285.030)
5. Local Government Employee-Management Relations Board (NRS 288.080)
6. Executive Branch Audit Committee (NRS 353A.038)
7. State Board of Education (NRS 385.021)
8. Advisory Council on Parental Involvement and Family Engagement (NRS 385.610)
9. Board of Dental Examiners of Nevada (NRS 631.120)
10. State Board of Oriental Medicine (NRS 634A.030)

Entities Consolidated

1. Nevada Transportation Authority (NRS 232.510 and 706.1511)
2. Taxicab Authority (NRS 232.510 and 706.8818)

Entities Terminated

1. Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court Justices, Judges of the Court of Appeals, District Judges and Elected County Officers (NRS 281.1571)
2. Advisory Committee on Housing (NRS 319.173)
3. Interagency Panel (NRS 388.5237 substituted for NRS 395.070)
4. Subcommittee on Personal Assistance for Persons with Severe Functional Disabilities of the Nevada Commission on Services for Persons with Disabilities (NRS 426.731)

Entities Terminated With Functions Transferred

1. State Board for Career and Technical Education (NRS 388.330)
2. Commission on Educational Technology (NRS 388.790)

Further Revisions

1. Sunset Subcommittee of the Legislative Commission (NRS 232B.210)

BULLETIN NO. 17-15

LEGISLATIVE COMMITTEE ON HEALTH CARE

Nevada Revised Statutes 439B.200

Members

Assemblyman James Oscarson, Chair
Senator Joseph (Joe) P. Hardy, M.D., Vice Chair
Senator Ben Kieckhefer
Senator Patricia (Pat) Spearman
Assemblywoman Teresa Benitez-Thompson
Assemblyman David Gardner

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Nevada Revised Statutes

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

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

2. No member of the Committee may:

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

3. The provisions of subsection 2 do not:

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

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

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

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

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

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

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

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

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

ABSTRACT

LEGISLATIVE COMMITTEE ON HEALTH CARE

Nevada Revised Statutes (NRS) 439B.200

The Legislative Committee on Health Care (LCHC), in compliance with NRS 439B.200 through 439B.227, oversees a broad spectrum of issues related to the access, cost, and quality of health care for all Nevadans. The LCHC was established in 1987 to provide continuous oversight of matters relating to health care.

The primary responsibilities of the Committee include: (1) reviewing and evaluating the quality and effectiveness of programs for the prevention of illness; (2) reviewing and comparing the costs of medical care among communities in Nevada with similar communities in other states; and (3) analyzing the overall system of medical care in the State to determine how best to coordinate the provision of services, avoid duplication, and achieve the most efficient use of all available resources. The LCHC also may review health insurance issues, as well as examine hospital-related issues, medical malpractice issues, and the health education system.

Further, the Committee is responsible for reviewing each regulation proposed or adopted by a health profession licensing board that relates to the issuance or renewal of licenses, permits, or certificates. After reviewing a proposed regulation, the Committee may notify the agency of its opinion and recommend any appropriate legislation to the Legislature.

The LCHC held a total of seven meetings, including one work session. All public hearings were conducted through simultaneous videoconferencing between legislative meeting rooms at the Grant Sawyer State Office Building in Las Vegas, Nevada, and the Legislative Building in Carson City, Nevada. The summaries of testimony and exhibits are available online at: <https://www.leg.state.nv.us/App/InterimCommittee/REL/Interim2015/Committee/252>.

A variety of issues was addressed at the meetings of the LCHC. This document provides background information and discusses only those issues for which the LCHC made recommendations. These issues relate to:

- Health care workforce;
- Public health;
- Medicaid managed care;
- Physician orders for life-sustaining treatment;
- Rare diseases;

- Children's health;
- Autism treatment and services;
- Medicaid reimbursement rates;
- Health profession licensing and licensing boards;
- Behavioral health; and
- Ambulatory surgical centers.

At the seventh and final meeting, Committee members conducted a work session at which they adopted ten recommendations to be included in ten bill draft requests (BDRs). The BDRs concern: (1) health professional licensure compacts; (2) advanced practice registered nurses; (3) State employee contracting; (4) body mass index measurement in schools; (5) vapor and tobacco products; (6) physician orders for life-sustaining treatment; (7) posting of child abuse hotline telephone numbers in schools; (8) the definition of autism spectrum disorder; (9) behavioral health licensing boards; and (10) ambulatory surgical centers. Lastly, members authorized the Chair to send 16 letters on behalf of the LCHC.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON HEALTH CARE

Nevada Revised Statutes (NRS) 439B.200

This summary presents the recommendations approved by the Legislative Committee on Health Care (LCHC) at its August 24, 2016, meeting. The LCHC submits the following recommendations and bill draft requests (BDRs) to the 79th Session of the Nevada Legislature:

PROPOSALS RELATING TO THE HEALTH CARE WORKFORCE

1. Nurse Licensure Compact—Send a letter to the Governor of the State of Nevada and the Director of the Department of Health and Human Services (DHHS) expressing the Committee’s support for BDR 54–182, which would adopt the Nurse Licensure Compact.
2. Health Professional Licensure Compacts—Propose legislation to enact the:
 - a. Recognition of Emergency Medical Services Personnel Licensure Interstate Compact; and
 - b. Psychology Interjurisdictional Compact by redrafting the sections of Senate Bill 299 (2015). **(BDR XX–351)**
3. National Health Service Corps and Nurse Corps—Send letters to medical facilities in Nevada that are eligible to serve as National Health Service Corps sites or Nurse Corps sites, strongly encouraging them to apply to and participate in these programs.
4. Advanced Practice Registered Nurses—Propose legislation to:
 - a. Amend the following sections of NRS to allow advanced practice registered nurses (APRNs) to perform the following tasks, which currently may only be performed by a physician:
 - i. NRS 440.380—Amend to allow an APRN to sign a death certificate;
 - ii. NRS 482.3831 through 482.384—Amend to allow an APRN to make all applicable diagnoses and certifications authorizing a person with a disability to obtain a special license plate or a temporary parking placard or sticker; and
 - iii. NRS 706.8842—Amend to include an APRN in the definition of “medical examiner,” thereby allowing an APRN to issue a medical examiner’s certificate for a taxicab commercial driver’s license. **(BDR 40–352)**

5. Graduate Medical Education Funding—Send a letter to the Governor expressing the Committee’s support for and urging continuation of a \$5.25 million annual budget appropriation for graduate medical education (GME) in each year of the 2017–2019 Biennium.
6. Graduate Medical Education—Send a letter to Nevada’s Congressional Delegation advocating for:
 - a. No additional GME funding cuts; and
 - b. Redistributing full-time equivalent GME slots to Nevada hospitals.
7. State Employee Contracting—Propose legislation to amend subsection 9 of NRS 333.705 to add “former state employees who are not receiving monetary retirement benefits through the Public Employee Retirement System of Nevada during the time period they are under contract” to the list of entities that are exempt from the prohibition on contracting with a former State employee for two years after the termination of the person’s State employment. **(BDR 27–354)**

PROPOSALS RELATING TO PUBLIC HEALTH

8. Body Mass Index Measurement in Schools—Redraft Section 9 of Senate Bill 178 (2015) to reestablish the requirements that follow concerning measurement of the height and weight of a representative sample of pupils. These requirements had sunset in 2015. Specifically, amend NRS 392.420 to:
 - a. Reestablish the requirement that the board of trustees of each school district in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to direct school nurses, qualified health personnel, teachers who teach physical education or health, or other licensed educational personnel who have completed training in measuring the height and weight of a pupil provided by the school district to measure the height and weight of a representative sample of pupils who are enrolled in grades 4, 7, and 10 in the schools within the school district;
 - b. Require the Division of Public and Behavioral Health (DPBH), DHHS, to determine the number of pupils necessary to include in the representative sample;
 - c. Not require school authorities to provide notice to a student’s parent or guardian before measuring the child’s height or weight if it is not practicable to do so; and

- d. Require each school nurse or his or her designee to report the results to the Chief Medical Officer. **(BDR 34–353)**
- 9. Vapor Products and Tobacco Products—Propose legislation to:
 - a. Amend NRS 202.2483, the “Nevada Clean Indoor Air Act,” to prohibit the use of vapor products, as defined in NRS 202.2485, in all areas where tobacco smoking is prohibited; and
 - b. Add new provisions that:
 - i. Require nicotine containers used in vapor products to be sold in child resistant packaging, in accordance with the federal Poison Prevention Packaging Act of 1970 (15 U.S.C. §§ 1471, et seq. [2017]; 16 C.F.R. § 1700 [2017]); and
 - ii. Require labels on vapor products and alternative nicotine products to include ingredients, nicotine level, and age restrictions. **(BDR 15–355)**

PROPOSALS RELATING TO MEDICAID MANAGED CARE

- 10. Medicaid Managed Care Expansion—Send letters to the Governor and the Director of the DHHS urging consideration of the concerns and recommendations expressed by the National Alliance on Mental Illness (NAMI), Nevada, in its June 16, 2016, letter to the LCHC, as the DHHS determines whether and how to expand Medicaid managed care to additional populations and geographic areas.
- 11. Medicaid Managed Care Agreements/Request for Proposals—Send a letter to the Division of Health Care Financing and Policy (DHCFP), DHHS, encouraging consideration of its relationship with Medicaid managed care organizations (MCOs) and requesting that the DHCFP clarify the following in future managed care requests for proposals and contracts:
 - a. The State has the authority to oversee the performance of MCOs and must ensure that specific performance criteria are included in the MCO contract and measured at least monthly. The results of performance criteria must be transparent and shared publically, including on the DHCFP’s website.
 - b. The MCOs must administer their provider contracts in accordance with Medicaid policies unless mutually agreed upon otherwise and documented by the State and providers.

- c. Contracts between the State and MCOs must require each MCO to independently meet network adequacy standards, comparable to those established annually by Nevada's Division of Insurance, Department of Business and Industry, through direct contracting with providers and hospitals.
- d. The State is responsible for final policy/claims appeal if an MCO and a provider cannot reach an agreement.
- e. Geographic expansion of Medicaid managed care into the rural areas of Nevada will not occur until rural communities are ready.

PROPOSAL RELATING TO PHYSICIAN ORDERS FOR LIFE-SUSTAINING TREATMENT

12. Physician Orders for Life-Sustaining Treatment—Propose legislation to:

- a. Amend NRS 449.535 through 449.690 to allow an APRN to make all diagnoses applicable to a declaration to withhold or withdraw life-sustaining treatment and accept such a declaration;
- b. Amend subsection 2 of NRS 449.6946 to require providers of health care to honor a patient's most recent health care declaration, directive, or order to guide treatment instead of allowing a do-not-resuscitate identification that is on the person of a patient to take precedence over a subsequently executed physician order for life-sustaining treatment (POLST) form;
- c. Establish who may serve as a health care surrogate for purposes related to a POLST form, and authorize a health care surrogate to complete and sign a POLST form for a patient who lacks decisional capacity if the patient does not have a Durable Power of Attorney for Health Care or a legal guardian. Amend NRS to provide that:
 - i. A health care surrogate has authority to consent to or withhold consent for treatment for a patient lacking decisional capacity.
 - ii. The following individuals may act as a health care surrogate for a patient, in order of priority: (1) spouse; (2) adult child; (3) parent; (4) sibling; (5) nearest other adult relative; or (6) an adult who has exhibited special care and concern for the patient, who is familiar with the patient's values and willing and able to make health care decisions for the patient.
 - iii. Health care surrogates may not revoke a POLST form completed by a patient or his or her durable power of attorney or guardian, and a surrogate's consent is not valid if it conflicts with the patient's valid POLST form or advance directive.

- iv. The physician has the right to determine fitness of a health care surrogate pursuant to the federal Privacy Act of 1974 (45 C.F.R. 164.502[g] [2017]).
- v. If a health care provider, a patient's legal representative, or a patient's health care surrogate believes the patient has regained decisional capacity, the patient may be reexamined and a decision shall be entered into the medical record and the health care surrogate must be notified.
- d. Establish that artificial nutrition and hydration must not be withheld from a patient who does not have an effective declaration as defined in NRS 449.600 or POLST form, unless a different desire is expressed in writing by the patient's health authorized representative or family member; and
- e. Establish that life-sustaining treatment must not be withheld or withdrawn from a patient known to be pregnant, so long as it is probable that a fetus will develop to the point of live birth with continued application of life-sustaining treatment.
(BDR 40–365)

PROPOSAL RELATING TO RARE DISEASES

- 13. Medical Education for Residents—Send letters to GME residency programs in Nevada expressing the Committee's awareness of, and concern for, the population of Nevadans who are at risk for, and affected by, rare diseases such as Postural Orthostatic Tachycardia Syndrome (POTS), Ehlers-Danlos syndrome, and numerous others. In each letter:
 - a. Request that residency programs report to the LCHC and to the Senate and Assembly Committees on Health and Human Services on existing curriculum, requirements, and efforts to educate residents about rare disease, as well as future plans to include education and training on rare disease in residency curriculum;
 - b. Provide data on the incidence of rare disease. According to the National Institutes of Health, U.S. Department of Health and Human Services, an estimated 25 million to 30 million Americans have 1 of the 7,000 known rare diseases; and
 - c. Discuss the challenges experienced by those who have received a rare disease diagnosis due to the limited experience many providers have identifying and diagnosing such conditions. In addition, discuss promising therapies that are under development.

PROPOSALS RELATING TO CHILDREN'S HEALTH

14. Children's Mental Health—Send a letter to the Governor and the Director of the DHHS supporting the priorities of the Clark County Children's Mental Health Consortium, which include:
 - a. Restructuring the public children's behavioral health financing and delivery system to ensure quality, accountability, and positive outcomes for Clark County's children and families;
 - b. Providing mobile crisis intervention and stabilization services to Clark County youth in crisis;
 - c. Expanding access to family-to-family peer support services for the families of Clark County's children at risk for long-term institutional placement; and
 - d. Developing partnerships between schools and behavioral health providers to implement school-based and school-linked interventions for children identified with behavioral health care needs.
15. Posting of Child Abuse Hotline Number in Schools—Propose legislation to amend NRS to require all public schools, including charter schools, to post the State and local (if applicable) child abuse hotline telephone number in a clearly visible location in a public area of the school. Specifically, amend NRS to:
 - a. Require each public school and charter school to post in a clearly visible location, in a public area of the school that is readily accessible to students, a sign that contains the toll-free hotline telephone number established by the Division of Child and Family Services (DCFS), DHHS, for reports of abuse or neglect pursuant to NRS 432B.200, and the local child abuse hotline, if one is available;
 - b. Authorize the Director of the DHHS to adopt rules and regulations relating to the size and location of the sign provided that, at a minimum, it shall:
 - i. Be in English and Spanish;
 - ii. Be 11 inches by 17 inches or larger;
 - iii. Include text in a font large enough to be clear, simple, and understandable to students;
 - iv. Be posted in a high traffic location at the eye level of students;

- v. Contain the current telephone number for the DCFS child abuse and neglect hotline and the local child abuse hotline, if applicable, in bold print;
 - vi. Contain instructions for calling 9-1-1 in an emergency; and
 - vii. Contain instructions for accessing the DCFS's website for more information on reporting abuse and neglect; and
- c. Authorize the DCFS to design a poster that complies with these requirements and distribute the poster to schools in hard copy form or in electronic form for printing.
(BDR 34–362)
16. Children's Health Insurance Program—Send a letter to the DHHS encouraging the DHCPS to examine Nevada's Children's Health Insurance Program (CHIP) eligibility policies to provide health insurance coverage to lawfully residing immigrant children who have not been in the country for five years. In the letter, provide information regarding other states' eligibility policies, including the fact that CHIP programs in 29 states and the District of Columbia cover lawfully residing immigrant children without a five-year wait.

PROPOSALS RELATING TO AUTISM TREATMENT AND SERVICES IN NEVADA

17. Autism Treatment Assistance Program and Medicaid—Send a letter to the Director of the DHHS conveying the variety of concerns related to accessing services the Committee heard from numerous parents of children with autism, as well as providers of autism services. Include the following concerns:
- a. The reimbursement rate for services provided to adults with autism under the Medicaid Home and Community-Based Services (HCBS) Waiver, especially in rural areas. Specifically mentioned were concerns regarding the residential support services rate for severely impacted adults with autism, the need to authorize day habilitation services provided in the home at a higher reimbursement rate, and the Medicaid reimbursement rate for Board Certified Behavior Analysts (BCBAs) who provide services to adults on the Medicaid HCBS Waiver to match the reimbursement rate for services provided to children.
 - b. Concerns expressed regarding Autism Treatment Assistance Program (ATAP) policies and programs include:
 - i. Allowing parents to continue to be able to hire their own interventionists with the assistance of a fiscal agent;

- ii. Allowing payment to interventionists working under the supervision of a BCBA, without requiring a registered behavior technician (RBT) credential, until such time as there is a sufficient RBT workforce;
 - iii. Delaying the transfer of Medicaid-eligible children to Medicaid providers for individual children until a Medicaid provider is available to seamlessly accept and treat the child; and
 - iv. Continuing to ramp up efforts to serve children through Medicaid providers, using their current providers as much as is practicable.
- c. Concerns regarding Medicaid policy and programs include:
- i. The need to review the RBT rate;
 - ii. Exploring with the Centers for Medicare and Medicaid Services the possibility of adopting the approach taken by ATAP to allow payment for services provided by an interventionist under the supervision of a BCBA for up to six months while the interventionist obtains an RBT credential;
 - iii. Supporting efforts to grow the State’s BCBA and Board Certified Assistant Behavior Analyst (BCaBA) workforce through the higher education system and encourage the Department of Employment, Training and Rehabilitation to include the BCaBA and RBT in their programs; and
 - iv. The need to review available programs and reimbursement rates for adults with autism.

18. Redefine Autism—Propose legislation to:

- a. Amend subsection 1 of NRS 427A.875 to authorize ATAP to provide and coordinate services to persons “diagnosed or determined, including, without limitation, through use of a standardized assessment” to have autism spectrum disorders, through 19 years of age; and
- b. Amend NRS 287.0276, 427A.875, 689A.0435, 689B.0335, 689C.1655, 695C.1717, and 695G.1645 to redefine “autism spectrum disorder” as “a condition that meets the diagnostic criteria published in the current edition of the Diagnostic and Statistical Manual of Mental Disorders or the edition that was in effect at the time of diagnosis.”
(BDR 38–363)

19. Collaboration Between School and Out-of-School Applied Behavior Analysis Services—Send a letter to the Superintendent of Public Instruction urging Nevada’s Department of Education to develop a clear and consistent State policy, with guidance to school districts, for students with an Individualized Education Program (IEP) who require Applied Behavior Analysis (ABA) therapy. In developing the policy, the Department should consider:
- a. Whether an IEP should be required to specify the number of weekly ABA hours needed by the student, with a distinction between the hours to be provided in school and out of school;
 - b. Specifying the credentials required of an ABA professional who assists in determining the total weekly ABA hours needed by the student;
 - c. Requiring collaboration for ABA services to maximize their effectiveness and to ensure continuity of service across environments;
 - d. Requiring schools to support access to ABA by endorsing the following or similar language in the IEP: “The IEP recognizes the student’s need to receive medically necessary treatment, which may impact full-time school attendance. An adjusted schedule is supported to allow student to receive treatment, which may occur in and/or outside of the school environment without incurring truancy”;
 - e. Requiring the school to encourage a parent, through written communication from the school, to invite the student’s outside ABA professional(s) to participate in relevant IEP meetings; and
 - f. Allowing a student’s out-of-school ABA Professional (i.e., BCBA or licensed psychologist)—who is funded by private insurance, Medicaid, or ATAP and who passes appropriate background checks—to observe the student in the school environment quarterly and/or allowing such a provider to support the student during the school day if the student’s behavior impedes learning or if the student’s history includes aggression, elopement, or suspension.

PROPOSAL RELATING TO MEDICAID REIMBURSEMENT RATES

20. Medicaid Reimbursement Rates—Send a letter to the Director of the DHHS expressing the Committee’s support for continuing to conduct regular evaluations of Medicaid provider reimbursement rates. Specifically, recommend that the DHHS review reimbursement rates for personal care services; home health services; and providers of community-based, long-term services and supports. Include with the letter the written testimony received related to increasing rates for these specialties.

PROPOSALS RELATING TO HEALTH PROFESSION LICENSING AND LICENSING BOARDS

21. Oversight of Health Profession Licensing Boards—Send a letter to the Interim Finance Committee; the Sunset Subcommittee of the Legislative Commission; the Senate Committee on Commerce, Labor, and Energy; the Assembly Committee on Commerce and Labor; and the Governor, expressing the LCHC’s concern regarding the lack of oversight of health profession licensing and licensing boards and its support for statutory changes necessary to provide such oversight. Specifically, express the Committee’s concern regarding the:
 - a. Numerous complaints the Committee received related to various health care profession licensing boards;
 - b. General lack of oversight of health profession licensing boards and the need for accountability;
 - c. Investigation and appeals processes used by certain boards and the need for oversight over certain board decisions;
 - d. Lack of transparency with regard to licensure data, the inability of some boards to provide requested data, and the need to increase data reporting requirements;
 - e. Need for increased transparency and oversight of the finances of health profession licensing boards and for comprehensive, detailed reporting requirements to improve fiscal accountability;
 - f. Application and licensure inefficiencies and extended application timelines due to the systems used by certain boards;
 - g. Performance audit of the Board of Dental Examiners of Nevada by the Legislative Auditor and the refusal of the Board to accept 3 of the 14 recommendations made by the audit; and
 - h. Direct impact boards have on the health care workforce and their ability to exacerbate or improve the workforce shortage, as exemplified by the challenges the Governor’s Social Workers in Schools program faced recruiting social workers and other qualified behavioral health providers in 2016.
22. Behavioral Health Licensing Boards—Propose legislation to:
 - a. Consolidate, under the State Board of Health within the DHHS, the behavioral health boards established in:

- i. Chapter 641 (“Psychologists, Behavior Analysts, Assistant Behavior Analysts and Autism Behavior Interventionists”) of NRS;
 - ii. Chapter 641A (“Marriage and Family Therapists and Clinical Professional Counselors”) of NRS;
 - iii. Chapter 641B (“Social Workers”) of NRS; and
 - iv. Chapter 641C (“Alcohol, Drug and Gambling Counselors”) of NRS.
- b. Amend NRS 439.030, which establishes the State Board of Health, to add four additional members to the Board appointed by the Governor, including:
 - i. One member who is a psychologist or a BCBA;
 - ii. One member who is a marriage and family therapist or a clinical professional counselor;
 - iii. One member who is a social worker; and
 - iv. One member who is an alcohol, drug, and gambling counselor and who has engaged in the practice of his or her specific profession in this State for not less than five years immediately prior to the appointment.
- c. Require the Bureau of Health Care Quality and Compliance (HCQC), DPBH, DHHS, to assume responsibility for administration of licensure, investigations, and complaint resolution for all mental health professionals currently licensed in Chapters 641, 641A, 641B, and 641C of NRS.
- d. Establish, under the State Board of Health, four profession-specific subcommittees through which each professional area licensed under Chapters 641 through 641C of NRS will make recommendations to the Board regarding licensure requirements, standards-of-practice, and regulations, as follows:
 - i. One subcommittee will be established for each of the existing NRS behavioral health profession chapters (641, 641A, 641B, and 641C).
 - ii. Each subcommittee will consist of three members who have been residents of this State for at least one year before appointment. If qualified, a subcommittee member may serve on more than one subcommittee. Subcommittees will be comprised of:
 - (1) One member who is a member of the State Board of Health;

- (2) At least one member, but not more than two, who is licensed in the professional area he or she regulates and has five years of experience in the applicable profession; and
 - (3) At least one member, but not more than two, who has served within the previous ten years as core or full-time faculty at a regionally accredited college or university in a program related to the applicable profession and has experience in the design and development of the curriculum of a related program.
- iii. Subcommittee members are initially appointed by the State Board of Health. After initial appointment, the Governor shall appoint subcommittee members. A member first appointed by the Board shall continue to serve until appointed or replaced by the Governor. Initially, members will serve staggered terms.
- iv. After the initial term, subcommittee members serve at the pleasure of the Governor for terms of three years. A member shall not serve more than two full consecutive terms.
- v. Each member of a subcommittee is entitled to receive:
 - (1) A salary of not more than \$80 per day, as fixed by the State Board of Health, while engaged in and necessarily spent in performance of his or her subcommittee duties; and
 - (2) A per diem allowance and travel expenses at a rate fixed by the State Board of Health, while engaged in the business of the subcommittee. The rate must not exceed the rate provided for State officers and employees generally.
- vi. Each subcommittee shall annually elect a chair and secretary from its membership.
- vii. Subcommittee members are personally immune from suit with respect to all acts done and actions taken in good faith and in furtherance of the purposes of this bill.
- viii. Subcommittee members shall receive at least five hours of training as prescribed by the State Board of Health within one year after the member is initially appointed. Training must include instruction on ethics and open meeting requirements.

- e. Require the State Board of Health to review each subcommittee's regulations before being submitted to the Legislative Commission for final approval to ensure that the regulations are in the best interest of the public and do not unnecessarily restrict individuals from entering or practicing the profession.
- f. Establish that the HCQC shall be responsible for disciplining licensees, as follows:
 - i. The HCQC may establish in regulation peer review panels to evaluate complaints against similarly licensed behavioral health professionals;
 - ii. The State Board of Health may authorize continuing education credits to qualified behavioral health professionals who choose to serve on such peer review panels;
 - iii. The HCQC will conduct an investigation of a complaint against a behavioral health professional with the assistance of a peer review panel, if the HCQC decides to establish such panels;
 - iv. The results of an investigation of a complaint will be submitted to the appropriate subcommittee;
 - v. Based on the results of an investigation, each subcommittee shall recommend appropriate disciplinary action to the HCQC, if the recommendation is not license revocation. Recommendations of license revocation shall be submitted to the State Board of Health; and
 - vi. The HCQC or the State Board of Health, as applicable, will review recommendations for disciplinary action and discipline licensees.
- g. Redirect board fees and funds generated through licensure and other funding streams from boards established pursuant to Chapters 641, 641A, 641B, and 641C of NRS to the DPBH to support the activities of licensure administration, investigation, and regulatory oversight for behavioral health professionals.
- h. Require the State Board of Health to make necessary regulatory changes to existing regulation in Chapters 641, 641A, 641B, and 641C of *Nevada Administrative Code*, and develop new regulations to comply with these legislative changes.
- i. Establish that any regulations adopted by boards established pursuant to Chapters 641, 641A, 641B, and 641C of NRS which do not conflict with the provisions outlined above remain in effect and may be enforced by the appropriate board until the State Board of Health adopts regulations to repeal or replace those regulations. Any regulations adopted by the above boards that conflict with these provisions are void.

- j. Require the DHHS to develop a plan for transitioning from the existing licensing board structure to the new behavioral health profession licensing structure within the State Board of Health so that licensees and the public can follow and participate in the transition process. The plan must be presented at a meeting in compliance with the open meeting law and adopted at a second meeting in compliance with the open meeting law. Provisions of Chapter 233B (“Nevada Administrative Procedure Act”) of NRS do not apply to this transition plan.
- k. Contracts and agreements, disciplinary and administrative actions, and licenses issued by such boards remain in effect as if taken by the officer or entity to which the responsibility for the enforcement of such action has been transferred.
(BDR 54–410)

PROPOSALS RELATING TO BEHAVIORAL HEALTH

- 23. Behavioral Health Education for Law Enforcement—Send a letter to the Directors of the Department of Public Safety and the DHHS and to the heads of local law enforcement expressing the Committee’s support for the development of a statewide behavioral health education or training requirement for law enforcement officers.
- 24. Mental Health Courts—Send a letter to the Senate Committee on Finance, the Assembly Committee on Ways and Means, and the Director of the DHHS expressing the LCHC’s support for mental health and other specialty courts, including:
 - a. Encouragement and support for the development of additional residential substance abuse treatment beds and the establishment of treatment beds for people diagnosed with co-occurring disorders, as there are currently no such beds in the State;
 - b. The Committee’s continued support for providing funding for drug testing, housing, and transportation for specialty court participants; and
 - c. Mention of the potential of public-private partnerships to assist in providing such funding.
- 25. Crisis Intervention—Send a letter to the Senate Committee on Finance, the Assembly Committee on Ways and Means, and the Director of the DHHS expressing the LCHC’s support for the:
 - a. Expansion of crisis intervention and jail diversion programs such as the Forensic Assessment Services Triage Team (FASTT), Mobile Outreach Safety Team (MOST), and crisis intervention training; and

- b. Development of crisis stabilization centers in the State, where people experiencing a crisis related to a mental health condition can access services 24/7. This type of center can provide timely de-escalation, early intervention, and patient stabilization to prevent the need for higher levels—and more costly—care.

PROPOSALS RELATING TO AMBULATORY SURGICAL CENTERS

- 26. Ambulatory Surgical Centers—Propose legislation to:
 - a. Amend Chapter 449 (“Medical Facilities and Other Related Entities”) of NRS to prohibit an ambulatory surgical center from performing surgical services that routinely result in admission to another licensed medical facility within 24 hours after discharge from the surgical center;
 - b. Amend NRS 439A.250 to require the DHHS to impose a penalty on surgical centers for ambulatory patients, pursuant to NRS 439A.310, after sending two notices indicating that the center failed to submit the required information, or the information was incomplete or inaccurate; and
 - c. Amend subsection 2 of NRS 439A.280 to exempt NRS 439A.240 and 439A.250 from the programs and duties for which the DHHS can temporarily suspend if it determines sufficient funds are not available. **(BDR 40–364)**

BULLETIN NO. 17-16

COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE

Nevada Revised Statutes 459.0085

Members

Senator Pete Goicoechea, Chair
Assemblyman Glenn E. Trowbridge, Vice Chair
Senator Donald (Don) G. Gustavson
Senator David R. Parks
Senator Michael Roberson
Assemblyman Richard Carrillo
Assemblyman Chris Edwards
Assemblyman James Oscarson

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Roman Edwards, Deputy Legislative Counsel*
(775) 684-6830

**Note: Committee staff member Roman Edwards, Deputy Legislative Counsel, resigned from the Legislative Counsel Bureau during the 2015–2016 Interim.*

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

COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE

Nevada Revised Statutes (NRS) 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 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 2015–2016 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 2015–2016 Interim:

- In March 2015, the U.S. Nuclear Regulatory Commission (NRC) notified the public that the NRC staff would prepare a supplement to the United States Department of Energy’s (DOE’s) environmental impact statement (EIS) on the proposed geologic repository for spent nuclear fuel and high-level radioactive waste at Yucca Mountain in Nevada.
- In April 2015, six Congressional members, led by U.S. Representative John Shimkus (R-Illinois), Chair of the Subcommittee on Environment and the Economy of the U.S. House Committee on Energy and Commerce, 114th Congress, toured the Yucca Mountain site.
- In December 2015, the U.S. Department of Energy (DOE) submitted an invitation for public comment for the design of a consent-based siting process for nuclear waste storage and disposal facilities. The DOE stated that it is implementing a consent-based siting process to establish an integrated waste management system to transport, store, and dispose of commercial spent nuclear fuel and high-level defense radioactive waste. The DOE

will work with communities, states, and tribal governments across the country that express interest in hosting any of the facilities identified as part of an integrated waste management system.

- On January 29, 2016, the NRC staff published the remaining two volumes of its safety evaluation report on the geologic high-level nuclear waste repository proposed for Yucca Mountain. Publication of these volumes completed the technical safety review of the DOE's Yucca Mountain application. The safety evaluation report included the staff's recommendation that the NRC should not authorize construction of the repository because the DOE has not met certain land and water rights requirements identified in Volume 4 of the report, published in December 2014, and a supplement to the DOE's EIS has not yet been completed.
- In April 2016, the Fiscal Year 2017 Energy and Water Appropriations bill approved by the Subcommittee on Energy and Water Development of the U.S. Senate Committee on Appropriations, 114th Congress, did not include money for Yucca Mountain licensing.
- On May 5, 2016, the NRC issued its final supplement to the EIS for the proposed Yucca Mountain permanent repository for used nuclear fuel and high-level radioactive waste in Nevada. The supplement analyzes potential impacts on groundwater and surface groundwater discharges and determines all impacts would be "small."
- On July 7, 2016, the Committee on Energy and Commerce held a congressional hearing titled, "Federal, State, and Local Agreements and Economic Benefits for Spent Nuclear Fuel Disposal," which highlighted the Yucca Mountain Project.
- In July 2016, the State Board of Examiners approved extending the contract through September 2017 with the legal firm Egan, Fitzpatrick, Malsch & Lawrence to represent the State before the NRC on issues related to the DOE's license application for the proposed Yucca Mountain repository and litigation arising under the Nuclear Waste Policy Act.

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 license application and the related legal challenges; (3) progress made by the White House Administration and 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.

SUMMARY OF RECOMMENDATIONS

COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE

Nevada Revised Statutes 459.0085

The Committee on High-Level Radioactive Waste did not make any recommendations or propose any legislation for the 2017 Session of the Nevada Legislature.

BULLETIN NO. 17-17

COMMISSION ON SPECIAL LICENSE PLATES

Nevada Revised Statutes 482.367004

Members

Assemblyman Jim Wheeler, Chair
Senator Scott T. Hammond, Vice Chair
Senator Donald (Don) G. Gustavson
Assemblyman Richard Carrillo
Assemblywoman Jill Dickman

Nonvoting Members

Terri L. Albertson, C.P.M., Director, Department of Motor Vehicles
James M. Wright, Director, Department of Public Safety
Claudia Vecchio, Director, Department of Tourism and Cultural Affairs

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Nevada Revised Statutes

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

1. There is hereby created the Commission on Special License Plates. 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 482.3751](#), [482.3752](#), [482.3757](#), [482.3783](#), [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](#); [2015, 256](#), [660](#))

ABSTRACT

COMMISSION ON SPECIAL LICENSE PLATES

Nevada Revised Statutes (NRS) 482.367004

The Commission on Special License Plates is a permanent Commission authorized by 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 and 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 fewer 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 forwarded to the Commission for consideration.

As of November 30, 2016, there were 268,992 active special license plates, and the plates generated \$59,246,374 in revenue since Fiscal Year 1998. The most widely issued plate is the Las Vegas Commemorative plate with 90,386 active plates, which has generated over \$21 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 two meetings during the 2015–2016 Interim. At the October 28, 2015, 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 four charitable organizations receiving revenue from the sale of special license plates were not in compliance with the requirements to submit certain financial and other information to the Commission. The Commission directed the organizations to provide the required information to the Legislative Auditor. At the January 17, 2017, meeting, the Commission considered and approved requests from the Reno Air Races and the Carpenters Local Union 1977 to redirect revenues from the sale and renewal of special license.

The Commission considered a complaint received alleging the continued mismanagement of license plate funds by Horse Power, a charitable organization with a special license plate. Pursuant to Assembly Bill 189 (Chapter 211, *Statutes of Nevada 2015*), the Commission made a request to the Legislative Commission to direct the Legislative Auditor to perform an audit of

the expenditures of the organization for Calendar Years 2014 and 2015 and whether the organization has in place adequate methods and procedures to ensure that grants and other expenditures benefit the intended recipient.¹

Members also received information that there are currently 13 pending applications and 4 available openings for special license plates in the First Tier and 3 pending applications and 5 available openings for special license plates in the Second Tier.² Members considered the first five pending applications in the First Tier queue, which are: (1) Nevada Bighorns Unlimited; (2) Indian Health Board of Nevada; (3) the Great Reno Balloon Race; (4) Sparks Heritage Foundation and Museum, Incorporated; and (5) the Desert Conservation Program. Members also considered three pending applications in the Second Tier queue, which are: (1) Keep Memory Alive/Cleveland Clinic Lou Ruvo Center for Brain Health; (2) Women's Resource Medical Centers of Southern Nevada; and (3) Hidden Valley Wild Horse Protection Fund.

At the October meeting, the Commission conducted a work session, at which time it recommended the DMV begin the preparation process of certain aforementioned special license plate applications and the drafting of a bill addressing the process of redesigning existing special license plates.

¹ At the June 28, 2016, meeting of the Legislative Commission, the Legislative Auditor was directed to conduct an audit of the organization in accordance of the provisions of A.B. 189.

² As of September 2016, there were ten pending applications in the First Tier and one pending application in the Second Tier.

SUMMARY OF RECOMMENDATIONS

COMMISSION ON SPECIAL LICENSE PLATES

Nevada Revised Statutes (NRS) 482.367004

This summary presents the recommendations approved by the Commission on Special License Plates at its meetings on October 28, 2015, and January 17, 2017. Following is a summary of the applications recommended by the Commission to the Department of Motor Vehicles (DMV) for approval of the design, preparation, and issuance of special license plates, and a summary of one recommendation for a bill draft request (BDR) adopted by the Commission for submittal to the 79th Session of the Nevada Legislature.

SUMMARY OF SPECIAL LICENSE PLATE APPLICATIONS APPROVED BY THE COMMISSION

First Tier

Nevada Bighorns Unlimited

1. Nevada Bighorns Unlimited (NBU) is dedicated to the preservation and expansion of wildlife populations and their habitat in the State of Nevada. Funds generated from the sale of a special license plate would be used to further this mission. During its 30-year history, the NBU has provided funding for wildlife research, disease outbreak investigation, postwildfire reseeding efforts, water improvement projects, public education, and trap and transplant operations to restore and augment wildlife populations ranges throughout the State.

Indian Health Board of Nevada

2. The Indian Health Board of Nevada did not maintain a surety bond in the amount of \$5,000, which is required by each organization with a pending application. Therefore, the Commission did not take action on this application.

The Great Reno Balloon Race

3. The Great Reno Balloon Race is the largest free hot air balloon event in the world. Established in 1982, the Race began with 20 balloons. Since then, the Race has taken flight with up to 100 balloons each year and has received national recognition by travel and tourism organizations. The organization also partners with the Washoe County School District's Science, Technology, Engineering, and Mathematics Education Program to provide free tissue paper hot air balloons and The Children's Cabinet to provide hot air balloon rides. The organizers of the event plan on using the proceeds

from the sale of the special license plate to fund the Race and continue its local partnerships. The proposed plate design will include an image of a hot air balloon.

Sparks Heritage Foundation and Museum

4. The Sparks Heritage Foundation and Museum, Incorporated, was established on April 1, 1985, as an independent nonprofit organization. Its mission is to preserve the historical and cultural heritage of Sparks and the Truckee Meadows for the education and enjoyment of present and future generations. The Museum is comprised of three buildings: (1) a storefront on Victorian Avenue in Sparks, Nevada; (2) the former Sparks Justice of the Peace Building; and (3) the nationally registered historic Glendale Schoolhouse. The Museum also has an outdoor train exhibit. The Foundation is currently in the midst of a revitalization project designed to generate a broader base of visitors and increased usage of the museum facility both at the local and tourism level. Proceeds from the sale of a special license plate will be used to pay the salary of the Foundation's part-time Executive Director. The proposed plate design would include the "Heritage of Sparks" Arch.

Desert Conservation Program

5. The Clark County Desert Conservation Program manages the compliance of the federal Endangered Species Act on behalf of Clark County, the cities of Boulder City, Henderson, Las Vegas, Mesquite, and North Las Vegas, and Nevada's Department of Transportation through implementation of the Clark County Multiple Species Habitat Conservation Plan (MSHCP) and the associated incidental take permit. An incidental take permit exempts a permittee from the take prohibition of Section 9 of the Act. The permit authorizes the take of protected species that may be incidental to, but not the purpose of, otherwise lawful activities. A habitat conservation plan is a planning document that is a mandatory component of an incidental take permit application. Seventy-eight species are covered by the MSHCP, which is effective until February 2031, for a maximum of 145,000 acres disturbed. Of these, two are listed under the federal Endangered Species Act: (1) the threatened desert tortoise; and (2) the endangered Southwestern Willow Flycatcher. The plan directs measures that proactively conserve species through an ecosystems approach. The proceeds from the sale of a special license plate would be used exclusively for desert tortoise conservation projects, such as conservation easements, public education, riparian property management, tortoise fencing, The Wild Desert Tortoise Assistance Line, and general administration.

Second Tier

Keep Memory Alive/Cleveland Clinic Lou Ruvo Center for Brain Health

1. In July 2009, the Cleveland Clinic Lou Ruvo Center for Brain Health began providing treatment for patients with cognitive disorders. The Center is known for the many supportive services it provides for the family members of those who suffer from these disorders. The proceeds from the sale of a special license plate would be used for patient family care, therapy services, and other necessary programs. The proposed plate design would include an image of the Las Vegas Center and the words, “Keep Memory Alive.”

Women’s Resource Medical Centers of Southern Nevada

2. The Women’s Resource Medical Centers of Southern Nevada (WRMCSN) is a nonprofit organization that provides prenatal care education, pregnancy testing, certified counseling, and material resources. The revenue received from the sale and renewal of a special license plate would be used to support and enhance the programs offered by the WRMCSN.

Hidden Valley Wild Horse Protection Fund

3. The Hidden Valley Wild Horse Protection Fund was established in 2008 as an all-volunteer, nonprofit corporation. The organization protects and preserves the wild horses that settle during the winter months in the foothills surrounding Hidden Valley. Volunteers monitor herd health and grazing availability, provide attention to sick and injured horses and foals, aid in the State-run adoption processes, and install and mend fencing and cattle guards. The proceeds from the sale of a special license plate would help feed, house, and provide veterinary services and transportation for the horses, as well as provide public welfare and education.

RECOMMENDATION TO DRAFT LEGISLATIVE MEASURE

Draft a bill to amend NRS 482.367002 to require an organization, which is requesting a redesign of its specialty license plate, to submit a request to the Commission on Special License Plates. The Commission will consider each request and make a recommendation to the DMV on each redesign. The organization must have a specialty license plate currently being produced and circulated by the DMV. In addition, the DMV may charge a replacement fee to a customer requesting a redesigned plate. **(BDR 43–476)**

