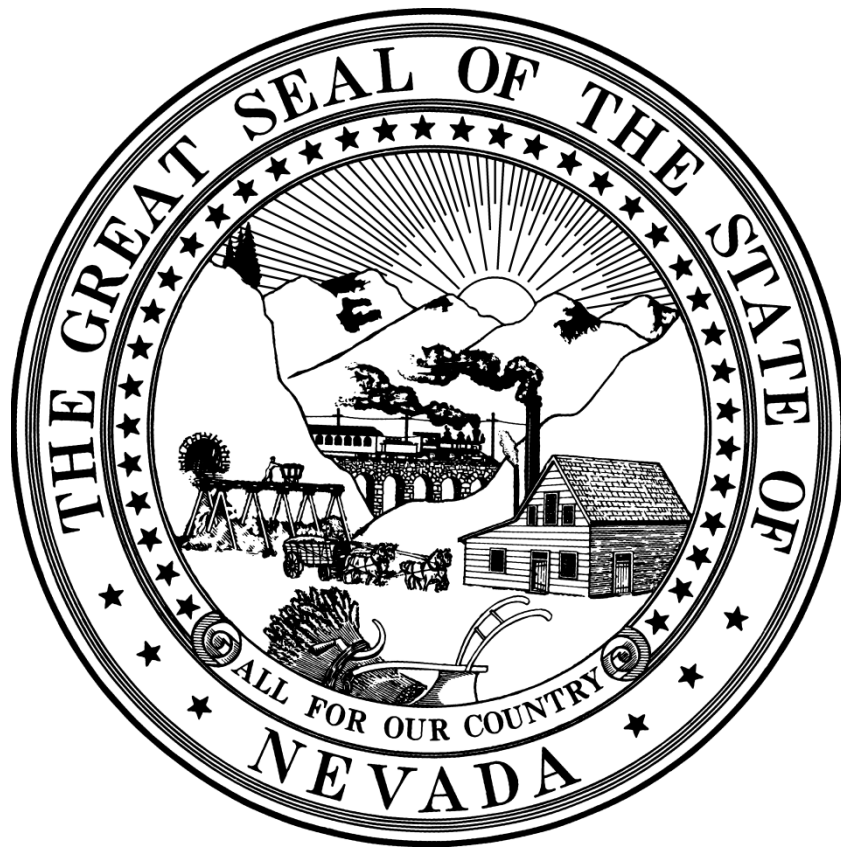


# LEGISLATIVE COMMISSION

January 19, 2021



MEETING PACKET

**REVISED (1/13/2021)**  
**MEETING NOTICE AND AGENDA**

Name of Organization: Legislative Commission (NRS 218E.150)

Date and Time of Meeting: Tuesday, January 19, 2021  
9:30 a.m.

Place of Meeting: Pursuant to Sections 2 to 9, inclusive, of chapter 2, Statutes of Nevada 2020, 32nd Special Session, at pages 9-11, there will be no physical location for this meeting. The meeting can be listened to or viewed live over the Internet. The address for the Nevada Legislature's website is <http://www.leg.state.nv.us>. Click on the link "[Calendar of Meetings-View.](#)"

*We are pleased to make reasonable accommodations for members of the public with a disability. If accommodations for the meeting are necessary, please notify Jordan Haas, Commission Secretary, at (775) 684-6830 or [jordan.haas@lcb.state.nv.us](mailto:jordan.haas@lcb.state.nv.us), as soon as possible.*

**Please provide the meeting secretary by email (at [jordan.haas@lcb.state.nv.us](mailto:jordan.haas@lcb.state.nv.us)) or facsimile (at (775) 684-6761) or mail (401 S. Carson Street, Carson City, NV 89701) testimony and visual presentations if you wish to have complete versions included as exhibits with the minutes.**

## AGENDA

**Note:** Items on this agenda may be taken in a different order than listed. Two or more agenda items may be combined for consideration. An item may be removed from this agenda or discussion relating to an item on this agenda may be delayed at any time.

### I. Opening Remarks

### II. Public Comment

Public testimony under this item may be presented by phone or written comment. Because of time considerations, each caller offering testimony during this period for public comment will be limited to not more than 2 minutes. A person may also have comments added to the minutes of the meeting by submitting them in writing either in addition to testifying or in lieu of testifying. Written comments may be submitted by email (at [jordan.haas@lcb.state.nv.us](mailto:jordan.haas@lcb.state.nv.us)) or facsimile (at (775) 684-6761) or mail (401 S. Carson Street, Carson City, NV 89701) before, during or after the meeting.

To dial in to provide testimony during this period of public comment in the meeting, any time after 9:00 a.m. on Tuesday, January 19, 2021:

Dial: (669) 900-6833

When prompted to provide your Meeting ID, please enter: 965 2778 0425 then press #

When prompted for a Participant ID, please enter #

To resolve any issues related to dialing in to provide public comment for this meeting, please call (775) 684-6990.

*For  
Possible  
Action*

### III. Legislative Commission Policy Bryan J. Fernley, Legislative Counsel

#### A. Request by Director of the Office of Public Safety to Continue a Regulation Not Adopted Within 2 Years After Submission to the Legislative Counsel (NRS 233B.040)

R129-18: Establishing provisions governing education and safety of motorcycle riders

Access text of regulation electronically at:

[http://www.leg.state.nv.us/Register/IndexesRegsReviewed/LCMtg\\_List\\_2021\\_Jan19\\_R129-18.pdf](http://www.leg.state.nv.us/Register/IndexesRegsReviewed/LCMtg_List_2021_Jan19_R129-18.pdf)

#### B. Review of Administrative Regulations Submitted Pursuant to NRS 233B.067

Please see attached list of regulations to be considered or access list electronically at:

[http://www.leg.state.nv.us/Register/IndexesRegsReviewed/LCMtg\\_List\\_2021\\_Jan19.pdf](http://www.leg.state.nv.us/Register/IndexesRegsReviewed/LCMtg_List_2021_Jan19.pdf)

(The text of the regulations included under this agenda item is hyperlinked to the electronic version of this agenda posted on the Nevada Legislature website. Please contact the Legal Division of the Legislative Counsel Bureau at (775) 684-6830 for a hard copy of the text of the regulations)

*For  
Possible  
Action*

IV. Approval of 120 Calendar for 2021 Legislative Session

*For  
Possible  
Action*

V. Litigation

Report Regarding Litigation  
Kevin C. Powers, General Counsel

- A. *Nevada Policy Research Institute v. Cannizzaro, et al.*, Case No. A-20-817757-C, Eighth Judicial District Court, Clark County, on appeal to Nevada Supreme Court
- B. *State of Nevada v. Eighth Judicial District Court (Plumlee)*, Case No. 82236, Nevada Supreme Court, and *State of Nevada v. Eighth Judicial District Court (Molen)*, Case No. 82249, Nevada Supreme Court
- C. *Lander County v. State of Nevada*, Case No. 20-OC-00116-1B, First Judicial District Court, Carson City, consolidated with *Nevada Gold Mines, LLC v. State of Nevada*, Case No 20-OC-00147-1B, First Judicial District Court, Carson City

*For  
Possible  
Action*

VI. Reports of Certain 2019-2020 Interim Committees to the Legislative Commission

A. Statutory Committees

Advisory Commission on the Administration of Justice (NRS 176.0123)

Committee on Child Welfare and Juvenile Justice (NRS 218E.705)

Committee on Education (NRS 218E.605)

Committee on Energy (NRS 218E.805)

Committee on Health Care (NRS 439B.200)

Commission on Special License Plates (NRS 482.367004)

Committee on Public Lands (NRS 218E.510)

Committee on Senior Citizens, Veterans and Adults with Special Needs  
(NRS 218E.750)

Committee for the Review and Oversight of the Tahoe Regional Planning Agency  
and the Marlette Lake Water System (NRS 218E.555)

B. Interim Studies

Study Concerning the Costs of Prescription Drugs (SB 276, 2019)

Study Concerning Wildfires (ACR 4, 2019)

Study of Issues Relating to Driving Under the Influence of Marijuana (ACR 7, 2019)

Study of Issues Relating to Pretrial Release of Defendants in Criminal Cases  
(SCR 11, 2019)

Study of Requirements for Reapportionment and Redistricting (SCR 9, 2019)

Study of the Feasibility, Viability, and Design of a Public Healthcare Insurance Plan  
for Nevadans (SCR 10, 2019)

*For  
Possible  
Action*

VII. External Auditor's Communication to the Legislative Commission  
Dan Rushin, Chief Financial Officer

VIII. Progress Report on Transmittal of Budget for the Legislative Counsel Bureau and  
Interim Nevada Legislature to Office of Finance  
Brenda J. Erdoes, Director  
Dan Rushin, Chief Financial Officer

IX. Public Comment

Public testimony under this item may be presented by phone or written comment. Because of time considerations, each caller offering testimony during this period for public comment will be limited to not more than 2 minutes. A person may also have comments added to the minutes of the meeting by submitting them in writing either in addition to testifying or in lieu of testifying. Written comments may be submitted by email (at [jordan.haas@lcb.state.nv.us](mailto:jordan.haas@lcb.state.nv.us)) or facsimile (at (775) 684-6761) or mail (401 S. Carson Street, Carson City, NV 89701) before, during or after the meeting.

To dial in to provide testimony during this period of public comment in the meeting, *any time after the Chair announces this second period of public comment* on Tuesday, January 19, 2021:

Dial: (669) 900-6833

When prompted to provide your Meeting ID, please enter: 965 2778 0425 then press #

When prompted for a Participant ID, please enter: #

To resolve any issues related to dialing in to provide public comment for this meeting, please call (775) 684-6990.

X. Adjournment

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Notice of this meeting was posted on the Internet through the Nevada Legislature's website at [www.leg.state.nv.us](http://www.leg.state.nv.us).

Supporting public material provided to members of the Commission for this meeting may be requested from Jordan Haas of the Legal Division of the Legislative Counsel Bureau at (775) 684-6830 or by email at [jordan.haas@lcb.state.nv.us](mailto:jordan.haas@lcb.state.nv.us). Any such material will be made available at the Nevada Legislature's website at [www.leg.state.nv.us](http://www.leg.state.nv.us).

**STATE AGENCY REGULATIONS TO BE REVIEWED  
BY THE LEGISLATIVE COMMISSION**

January 19, 2021

<b>REGULATIONS SUBMITTED PURSUANT TO NRS 233B.067:</b>		
<b>LCB NO.</b>	<b>NAC</b>	<b>AGENCY/ SUBJECT</b>
<b>2018 REGULATIONS</b>		
<b>R129-18</b>	<b>486</b>	<b>DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY</b> A REGULATION establishing provisions governing education and safety of motorcycle riders <b>CONTACT Peter Vanderaa (775) 684-7473</b> <b>pvanderaa@dps.state.nv.us</b>
<b>2020 REGULATIONS</b>		
<b>R001-20</b>	<b>361</b>	<b>NEVADA TAX COMMISSION</b> A REGULATION adopting provisions relating to the taxable situs of aircraft for the purposes of property taxes <b>CONTACT Jeffrey Mitchell (775) 684-2095</b> <b>jmittchell@tax.state.nv.us</b>
<b>R033-20</b>	<b>512</b>	<b>ADMINISTRATOR OF THE DIVISION OF INDUSTRIAL RELATIONS OF THE DEPARTMENT OF BUSINESS AND INDUSTRY</b> A REGULATION revising provisions relating to boilers, elevators and pressure vessels <b>CONTACT Donald Smith (702) 486-9071</b> <b>donalddsmith@dir.nv.gov</b>
<b>R048-20</b>	<b>618</b>	<b>DIVISION OF INDUSTRIAL RELATIONS OF THE DEPARTMENT OF BUSINESS AND INDUSTRY</b> A REGULATION providing for certain health and safety training for employees in the entertainment and convention services industries <b>CONTACT Donald Smith (702) 486-9071</b> <b>donalddsmith@dir.nv.gov</b>

**REQUEST TO CONTINUE A REGULATION NOT ADOPTED WITHIN TWO YEARS OF  
SUBMISSION TO LEGISLATIVE COUNSEL PURSUANT TO NRS 233B.040**

<b>LCB NO.</b>	<b>NAC</b>	<b>AGENCY/ SUBJECT</b>
<b>R129-18</b>	<b>486</b>	<b>DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY</b> A REGULATION establishing provisions governing education and safety of motorcycle riders <b>CONTACT Peter Vanderaa (775) 684-7473</b> <b><a href="mailto:pvanderaa@dps.state.nv.us">pvanderaa@dps.state.nv.us</a></b>

## **Review of Administrative Regulations**

**STATE AGENCY REGULATIONS TO BE REVIEWED  
BY THE LEGISLATIVE COMMISSION**

January 19, 2021

<b>REGULATIONS SUBMITTED PURSUANT TO NRS 233B.067:</b>		
<b>LCB NO.</b>	<b>NAC</b>	<b>AGENCY/ SUBJECT</b>
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**REQUEST TO CONTINUE A REGULATION NOT ADOPTED WITHIN TWO YEARS OF  
SUBMISSION TO LEGISLATIVE COUNSEL PURSUANT TO NRS 233B.040**

<b>LCB NO.</b>	<b>NAC</b>	<b>AGENCY/ SUBJECT</b>
<b>R129-18</b>	<b>486</b>	<b>DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY</b> A REGULATION establishing provisions governing education and safety of motorcycle riders <b>CONTACT Peter Vanderaa (775) 684-7473</b> <b><a href="mailto:pvanderaa@dps.state.nv.us">pvanderaa@dps.state.nv.us</a></b>

## **120 Calendar for 2021 Legislative Session**



# STATE OF NEVADA

## 2021 LEGISLATIVE SESSION

### 120-Day Calendar

<i>Date (Day of Session)</i>	<i>Date (Day of Session)</i>	<i>Date (Day of Session)</i>
Feb. 1 (1)	Mar. 13 (41)	Apr. 22 (81)
Feb. 2 (2)	Mar. 14 (42)	Apr. 23 (82)
Feb. 3 (3)	Mar. 15 (43) Legislators' Bill Introductions	Apr. 24 (83)
Feb. 4 (4)	Mar. 16 (44)	Apr. 25 (84)
Feb. 5 (5) <i>Subcommittees Start Meeting Jointly</i>	Mar. 17 (45)	Apr. 26 (85)
Feb. 6 (6)	Mar. 18 (46)	Apr. 27 (86)
Feb. 7 (7)	Mar. 19 (47)	Apr. 28 (87) <i>Economic Forum Report Due</i>
Feb. 8 (8) Legislators' BDR Requests	Mar. 20 (48)	Apr. 29 (88)
Feb. 9 (9)	Mar. 21 (49)	Apr. 30 (89) <i>Start Resolving Budget Differences</i>
Feb. 10 (10)	Mar. 22 (50) Joint Standing Rule No. 14 and Other Remaining Bill Introductions	May 1 (90)
Feb. 11 (11)	Mar. 23 (51)	May 2 (91)
Feb. 12 (12)	Mar. 24 (52)	May 3 (92)
Feb. 13 (13)	Mar. 25 (53)	May 4 (93)
Feb. 14 (14)	Mar. 26 (54)	May 5 (94)
Feb. 15 (15) Joint Standing Rule No. 14 BDR Requests	Mar. 27 (55)	May 6 (95)
Feb. 16 (16)	Mar. 28 (56)	May 7 (96)
Feb. 17 (17)	Mar. 29 (57)	May 8 (97)
Feb. 18 (18)	Mar. 30 (58) <i>Start Closing Budgets</i>	May 9 (98)
Feb. 19 (19)	Mar. 31 (59)	May 10 (99)
Feb. 20 (20)	Apr. 1 (60)	May 11 (100)
Feb. 21 (21)	Apr. 2 (61)	May 12 (101)
Feb. 22 (22) Joint Standing Rule No. 14 BDR Details	Apr. 3 (62)	May 13 (102)
Feb. 23 (23)	Apr. 4 (63)	May 14 (103) Committee Passage (Second House)
Feb. 24 (24)	Apr. 5 (64)	May 15 (104)
Feb. 25 (25)	Apr. 6 (65)	May 16 (105)
Feb. 26 (26)	Apr. 7 (66)	May 17 (106)
Feb. 27 (27)	Apr. 8 (67)	May 18 (107)
Feb. 28 (28)	Apr. 9 (68) Committee Passage (First House)	May 19 (108)
Mar. 1 (29)	Apr. 10 (69)	May 20 (109) <i>Finish Budget Differences</i>
Mar. 2 (30)	Apr. 11 (70)	May 21 (110) Second House Passage
Mar. 3 (31)	Apr. 12 (71)	May 22 (111)
Mar. 4 (32)	Apr. 13 (72)	May 23 (112)
Mar. 5 (33)	Apr. 14 (73)	May 24 (113)
Mar. 6 (34)	Apr. 15 (74)	May 25 (114)
Mar. 7 (35)	Apr. 16 (75)	May 26 (115) <i>Budget Bills Introduced Exempt Bills from Committee</i>
Mar. 8 (36)	Apr. 17 (76)	May 27 (116)
Mar. 9 (37)	Apr. 18 (77)	May 28 (117)
Mar. 10 (38)	Apr. 19 (78)	May 29 (118)
Mar. 11 (39)	Apr. 20 (79) First House Passage	May 30 (119)
Mar. 12 (40)	Apr. 21 (80)	May 31 (120)

Shaded days are Mondays.  
Bolded and italicized items are budget related deadlines.

**Reports of Statutory Interim Committees  
to the Legislative Commission**

**Advisory Commission on the  
Administration of Justice  
(NRS 176.0123)**

BULLETIN NO. XX

**ADVISORY COMMISSION ON THE ADMINISTRATION OF JUSTICE**

*Nevada Revised Statutes 176.0123*

**Members**

Assemblywoman Rochelle Nguyen, Chair  
Senator Melanie Scheible, Vice Chair  
Senator Keith Pickard  
Assemblywoman Lisa Krasner  
Paola Armeni, Esq.  
Judge Sam Bateman, Henderson Justice Court  
Kendra Bertschy, Deputy Public Defender, Washoe County  
Judge Jacqueline Bluth, Eighth Judicial District Court  
Chuck Callaway, Police Director, Las Vegas Metropolitan Police Department  
Anne Carpenter, Chief, Division of Parole and Probation (Resigned)  
Charles Daniels, Director, Nevada Department of Corrections  
Christopher DeRicco, Chairman, Board of Parole Commissioners  
Aaron Ford, Attorney General  
Justice James Hardesty, Supreme Court of Nevada  
Mark Jackson, District Attorney, Douglas County  
Mindy McKay, Division Administrator, Records, Communications and Compliance Division of  
the Department of Public Safety  
Corey Solferino, Lieutenant, Washoe County Sheriff's Office  
Holly Welborn, Policy Director, American Civil Liberties Union of Nevada

**Staff Contacts**

Legislative Counsel Bureau  
Nicolas Anthony, Senior Principal Deputy Legislative Counsel  
Kathleen Norris, Deputy Legislative Counsel  
Angela Hartzler, Deputy Administrator  
Jordan Haas, Secretary

*Nevada Revised Statutes 176.0123*

**NRS 176.0123 Creation; members and appointing authorities; Chair; terms; vacancies; salaries and per diem; members holding public office or employed by governmental entity; 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 is a representative of the Central Repository for Nevada Records of Criminal History, appointed by the Governor;

(j) 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;

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

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

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

(n) The Director of the Department of Corrections;

(o) 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

(p) 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 from among the legislative members of the Commission. Each Chair 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. A member of the Commission 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 Commission and perform any work necessary to carry out the duties of the Commission 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 Commission to:

(a) Make up the time the member is absent from work to carry out his or her duties as a member of the Commission; or

(b) Take annual leave or compensatory time for the absence.

10. 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](#); [2017, 435, 492](#); [2019, 2081](#))

## ABSTRACT

### ADVISORY COMMISSION ON THE ADMINISTRATION OF JUSTICE

*Nevada Revised Statutes (NRS) 176.0123*

By way of background, the current statutory Advisory Commission on the Administration of Justice (“Advisory Commission”) evolved from the former Advisory Commission on Sentencing (“Sentencing Commission”). The Sentencing Commission was originally established by statute in 1995 after the Legislature enacted “truth in sentencing,” which required a defendant to serve 100 percent of his or her minimum sentence. However, the Sentencing Commission, whose membership was limited, laid largely dormant for many years. Then in 2007, the Legislature enacted Assembly Bill No. 508, which reconstituted and broadened the membership, duties and scope of the original Sentencing Commission to combine it under the auspices of the newly established Advisory Commission. Finally, in 2017 the Legislature passed Senate Bill No. 451 which: (1) created a new Sentencing Commission, intended to focus on sentencing and data collection; and (2) bifurcated the Advisory Commission from the newly re-established Sentencing Commission. Thus, the Advisory Commission remains a stand-alone statutory body solely focused on criminal justice.

NRS 176.0125 directs the Advisory Commission to evaluate and study the elements of the State’s system of criminal justice at the discretion of the Chair. NRS 176.01248 also prescribes the formation of the Subcommittee on Criminal Justice Information Sharing, which remains as the lone statutory subcommittee of the Advisory Commission. Members of the Advisory Commission are appointed each interim and serve for a two-year term between biennial sessions of the Legislature.

Over the course of the 2019-2020 interim, the Advisory Commission held three full committee meetings and a work session. During those substantive meetings, the Advisory Commission received extensive testimony from a wide range of individuals including national experts, State government officials and local criminal justice practitioners. Many individuals testified about the impacts of Assembly Bill No. 236 (2019) (“A.B. 236”), the comprehensive criminal justice reform bill which was passed during the 2019 Legislative Session. Discussion topics included: (1) presentations on the statutory duties, caseloads, recent legislative changes for, and staffing and budgetary issues of, the Administrative Office of the Courts, the Parole Board, the Division of Parole and Probation and the Division of Records, Communications and Compliance; (2) a presentation on A.B. 236 as it relates to controlled substances and possible future legislation relating to controlled substances by the Crime and Justice Institute; (3) a presentation on national legislative trends relating to controlled substances by the National Conference of State Legislatures; (4) a presentation on the Justice and Injustice Panels held by the Office of the Attorney General; (5) a presentation on possible amendments to A.B. 236 concerning retroactivity by the Crime and Justice Institute; (6) presentations on potential technical corrections to A.B. 236 by the Clark County District Attorney’s Office, the Clark County Public Defender’s Office, LVMPD, NDOC and the Division of Parole and Probation; and (7)

presentations on NCJIS and the NCJIS Modernization Program by the Division of Records, Communications and Compliance. The Advisory Commission also heard from numerous concerned members of the public and other interested persons.

## SUMMARY OF RECOMMENDATIONS

### ADVISORY COMMISSION ON THE ADMINISTRATION OF JUSTICE

*Nevada Revised Statutes 176.0123*

The 2019-2020 Advisory Commission held a final work session on November 12, 2020. At that work session, the Advisory Commission considered 18 total recommendations. Ultimately, the Advisory Commission approved 12 recommendations consisting of 8 recommendations for the drafting of legislation, 1 recommendation to draft a letter and 3 recommendations to include a policy statement in the final report. The Advisory Commission does not have any Bill Draft Requests allocated by statute; however, individual legislators or the Chair of an appropriate standing committee may choose to sponsor any Advisory Commission recommendation for the drafting of legislation.

#### RECOMMENDATIONS TO DRAFT LEGISLATION

1. Draft legislation to facilitate the production of presentence reports that contain standard information.
2. Draft legislation to remove provisions requiring the Division of Parole and Probation of the Department of Public Safety (“Division of Parole and Probation”) to make certain sentencing recommendations.
3. Draft legislation to replace references to “intensive”, “close” or “strict” supervision with “enhanced” supervision.
4. Draft legislation to repeal statutory provisions related to probable cause inquiries conducted by the Division of Parole and Probation.
5. Draft legislation to remove references to sentences of residential confinement imposed for probation and parole violations that conflict with graduated sanctions adopted by the Division of Parole and Probation.
6. Draft legislation bifurcating certain statutory provisions in order to have separate processes for probation and parole.
7. Draft legislation to revise penalties for certain offenses related to controlled substances.
8. Draft legislation to revise the definition of “record of criminal history.”

#### RECOMMENDATION TO DRAFT A LETTER

9. Draft a letter to the Governor and the Legislature urging support for funding of the Nevada Criminal Justice Information System (“NCJIS”) modernization.

### RECOMMENDATIONS TO INCLUDE A POLICY STATEMENT

- 10.** Draft a policy statement encouraging information sharing in order to facilitate research regarding specialty courts.
- 11.** Draft a policy statement related to the development of a technological specification to be used by all systems of criminal justice information sharing.
- 12.** Draft a policy statement to encourage the State's use of 12 new disposition codes.

**Committee on Child Welfare and  
Juvenile Justice  
(NRS 218E.705)**

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

*Nevada Revised Statutes 218E.705*

## **Members**

Senator James Ohrenschall, Chair  
Assemblywoman Daniele Monroe-Moreno, Vice Chair  
Senator Yvanna D. Cancela  
Senator Scott T. Hammond  
Assemblywoman Alexis Hansen  
Assemblywoman Selena Torres

## **Staff Contacts**

Research Division:  
Patrick Guinan, Senior Principal Policy Analyst  
Julianne King, Research Policy Assistant  
(775) 684-6825

Legal Division:  
Eileen O'Grady, Chief Deputy Legislative Counsel  
Karly O'Krent, Senior Deputy Legislative Counsel  
(775) 684-6830

*Nevada Revised Statutes 218E.705*

**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 (NRS) 218E.705*

The Legislative Committee on Child Welfare and Juvenile Justice was established in 2009 with the passage of [Senate Bill 3](#). During the course of the 2019–2020 Interim, the Committee held six meetings, including one work session. The first two 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. The final four meetings were held virtually due to the outbreak of the Coronavirus Disease of 2019 pandemic.

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:

- Opportunities to maximize federal funding for child welfare programs in Nevada;
- Opportunities to improve and expand Nevada’s maternal and early childhood home visitation programs;
- The housing of youthful offenders in Nevada’s adult prison system and related matters;
- Prevention of the commercial sexual exploitation of children;
- Competency, sentencing, and incarceration of juvenile offenders;
- Reviewing the work and priorities of several child welfare related organizations;
- Alternative and diversionary programs for at-risk youth; and
- Continued expansion and funding of Nevada’s extended foster care programs.

At its final meeting and work session, the Committee adopted ten recommendations for bill draft requests (BDRs) to be considered by the 2021 Nevada Legislature. These BDRs concern juvenile competency, tracking expenses related to housing youthful offenders, developing new models for housing both youthful and juvenile offenders, extended foster care, protection of children, kinship guardianship provisions, reinvestment of juvenile justice and adoption savings, the use of corrective room restriction in juvenile facilities, and revisions to statutes governing the Juvenile Justice Oversight Commission.

More information about the Committee’s activities—including minutes, recordings, and copies of presentations and other exhibits—may be accessed on the [Committee’s meeting page](#) for the 2019–2020 Interim.

## SUMMARY OF RECOMMENDATIONS

### LEGISLATIVE COMMITTEE ON CHILD WELFARE AND JUVENILE JUSTICE

*Nevada Revised Statutes (NRS) 218E.705*

This summary presents the recommendations approved by the Legislative Committee on Child Welfare and Juvenile Justice at its meeting on October 23, 2020. The bill draft requests (BDRs) will be forwarded to the Legislative Commission for transmittal to the 81<sup>st</sup> Session of the Nevada Legislature.

### RECOMMENDATIONS FOR LEGISLATION

#### *Competency*

1. Propose legislation to revise [Chapter 433B](#) (and other relevant statutes) of NRS to provide that an appropriate treatment facility under the supervision of the Division of Child and Family Services (DCFS), Department of Health and Human Services (DHHS), must, upon court order, accept and provide services to a child who has been deemed incompetent and who would otherwise be entering the certification process based on the charges against him or her. Once restored to competency, the youth would continue with the certification process. If the child cannot be restored to competency, the petition for certification will be dismissed, the child will be released from the treatment facility, and the proceedings will be continued in the juvenile court pursuant to the competency statutes existing in Title 5 (“Juvenile Justice”) of NRS. **(BDR –498)**

#### *Budgetary Information*

2. Propose legislation to require Nevada’s Department of Corrections (NDOC) to track separately expenses related to housing juveniles in adult facilities (specifically Lovelock Correctional Center), including educational, family interaction/communication, health, mental health, recreational programming, and other relevant costs and to report this information to the director of the Legislative Counsel Bureau annually no later than July 30. **(BDR –499)**

#### *Sentencing Practices*

3. Propose legislation to require that NDOC and DCFS implement a pilot program whereby, upon consultation between all concerned parties and the agreement of NDOC and DCFS, youthful offenders under 18 years of age who are tried and convicted as adults may be housed in DCFS custody until 18 years of age, rather than at an adult facility. The pilot program must commence no later than January 1, 2022, and NDOC and DCFS must submit a report on the status of the program, including any recommendations for related legislation, to the Legislature no later than January 1, 2023. **(BDR –500)**

*Costs of Housing Youthful Offenders Regionally and New Model for Housing Youthful Offenders*

4. Propose legislation to conduct a study of: (a) the feasibility of housing youthful offenders regionally (in DCFS or county facilities where available); and (b) the feasibility of developing a new model whereby all youthful offenders between 18 and 24 years of age who have been tried and convicted as adults and who will be released before 25 years of age would be housed separately from adults whose sentences extend beyond 25 years of age. **(BDR –501)**

*Extended Foster Care*

5. Propose legislation to amend [Chapter 432B](#) of NRS as necessary per recommendations of the [Assembly Bill 150](#) (2019) working group to enable Nevada to opt into federal Title IV-E funded extended foster care programs while maintaining current extended foster care programs. **(BDR –502)**

*Child Welfare—Child Abuse and Neglect Case Dispositions*

6. Propose legislation to amend subsection 6 of [NRS 432B.300](#) to expand case disposition types from two to five by adding: “unable to determine, unable to complete, and administrative closure.” **(BDR –503)**

*Guardianship-Kinship Care Subsidy Program*

7. Propose legislation to remove subsection 1(a)(3) of [NRS 432B.623](#), which requires that adoption and reunification both must be ruled out before eligibility for guardian kinship assistance can be established. **(BDR –504)**

*Reinvestment of Adoption Savings and Juvenile Justice Savings*

8. Propose legislation to allow for the reinvestment of adoption savings into adoption programs in order to comply with the federal [Fostering Connections to Success and Increasing Adoptions Act of 2008](#) (H.R. 6893 of the 110<sup>th</sup> Congress). **(BDR –505)**
9. Propose legislation to allow for the reinvestment of juvenile justice savings into the Community Corrections Partnership Block Grant budget account. **(BDR –506)**

*Juvenile Justice Oversight Commission Recommendations*

10. Propose legislation that revises provisions concerning corrective room restriction, the definition of “state money” in relation to certain programs, required submittal dates for certain reports, and the membership of the Juvenile Justice Oversight Commission and adds local juvenile probation departments to those entities required to provide certain annual quality assurance reviews. **(BDR –507)**

## RECOMMENDATIONS FOR COMMITTEE ACTION

### *Strategies to Increase the Title IV-E Penetration Rate*

11. Send one or more letters as appropriate in support of the findings and recommendations contained in the report of the study conducted by The Council of State Governments per [AB 111](#) of 2019 concerning optimizing child welfare funding in Nevada.

### *Continued Support and Expansion of Home Visitation Programs in Nevada*

12. Send a letter to the Division of Public and Behavioral Health (DPBH), DHHS, in support of continued growth and expansion of Nevada's home visitation programs into a truly statewide program via waivers, state plan amendments, expansion of the targeted case management policy, adding providers and/or new evidence-based models, and other opportunities as identified by DPBH as financing becomes available in the future. Copy the letter to the Senate Committee on Finance (FIN) and the Assembly Committee on Ways and Means (WM) in support of additional funding as needed for implementation, if requested by DPBH.

### *Recommendations to Improve Staff Training, Grievance Reporting and Resolution, and Data Collection and Reporting*

13. Send a letter to DHHS and other relevant entities requesting status updates on the implementation of both [AB 99](#) (2017) and [AB 180](#) (2017) relating to staff training, the grievance process, and the best means by which to facilitate the collection and reporting of sexual orientation and gender identity data by relevant juvenile justice and child welfare entities.

### *Family First Prevention Services Act (H.R. 5456, 114<sup>th</sup> Congress [P.L. 115-123]) and Family First Transition Act (H.R. 4980, 116<sup>th</sup> Congress)*

14. Send a letter to Governor Steve Sisolak, FIN, and WM in support of Clark County's ongoing work to address the issues regarding the implementation of the [Family First Prevention Services Act](#), the implementation of programming for commercially sexually exploited children, and Clark County's structural budget deficit as it relates to child welfare, and to acknowledge the importance of budgetary assistance.

**Committee on Education  
(NRS 218E.605)**

## **LEGISLATIVE COMMITTEE ON EDUCATION**

*Nevada Revised Statutes (NRS) 218E.605*

### **Members**

Assemblywoman Brittney Miller, Chair  
Senator Moises (Mo) Denis, Vice Chair  
Senator Marilyn Dondero Loop  
Senator Keith F. Pickard  
Senator Joyce Woodhouse  
Assemblywoman Maggie Carlton  
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*Nevada Revised Statutes 218E.605*

**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 (NRS) 218E.605*

Nevada's Legislative Committee on Education (LCE) is a permanent committee of the Nevada Legislature whose authorization and duties are set forth in [Chapter 218E](#) of NRS. Created in 1997 with the enactment of [Senate Bill 482](#), known as the Nevada Education Reform Act, the LCE reviews and monitors the condition of public elementary, secondary, and postsecondary education. It may recommend legislation in a number of areas, including statewide programs in accountability, class-size reduction, compliance with federal requirements, the statewide student information system, student performance, teacher preparation, 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, which consisted of four members of the Senate and four members of the Assembly, held seven meetings during the 2019–2020 Interim. Pursuant to the LCE's charge as provided in [NRS 218E.615](#), the LCE considered a number of topics relating to elementary, secondary, and postsecondary education, including:

- Early learning programs;
- The teaching profession, including teacher licensure, performance evaluations, recruitment, and retention;
- Issues concerning charter schools, including growth plans;
- School discipline and restorative justice practices and data;
- Student safety and well-being, including efforts addressing chronic absence and students who are experiencing homelessness or are in foster care;
- Student assessments;
- Student pathways, including those in career and technical education and science, technology, engineering, arts, and mathematics fields;
- Programs created or expanded by the 2019 Legislature;
- School response efforts to the Coronavirus Disease of 2019;
- Issues relating to postsecondary education, including the corequisite system, financial aid programs, and school safety initiatives; and
- Recommendations for policy action by the LCE.

During its final meeting, the LCE approved 6 proposals for legislation to be considered by the 81<sup>st</sup> Session of the Nevada Legislature and another 18 proposals for issuing correspondence or including position statements in its final report. Topics of bill draft requests include: educational personnel, testing of pupils, charter schools, and transportation of pupils.

## SUMMARY OF RECOMMENDATIONS

### LEGISLATIVE COMMITTEE ON EDUCATION

*Nevada Revised Statutes (NRS) 218E.605*

This summary presents the recommendations approved by the Legislative Committee on Education at its meeting on September 21, 2020. The bill draft requests (BDRs) will be forwarded to the Legislative Commission for transmittal to the 81<sup>st</sup> Session of the Nevada Legislature.

### RECOMMENDATIONS FOR LEGISLATION

#### *Educational Personnel*

1. Propose legislation to direct Nevada's Department of Education (NDE) to develop, implement, and analyze the results of statewide educator exit surveys in consultation with the Nevada State Teacher Recruitment and Retention Advisory (TRRA) Task Force. The BDR would also encourage NDE to utilize external partners to assist in this process. Furthermore, school districts will be required to collect and report exit survey information in their annual report to NDE. The Department will then review school district exit survey information and make recommendations for improvement to the school districts. Nevada's Department of Education will report the information collected regarding exit surveys, along with any recommendations proposed for school districts or for changes in statute, to the 2021–2022 Interim Legislative Committee on Education. **(BDR –)**
2. Propose legislation to revise [NRS 388A.518](#), and any other relevant statutes, to modify licensing and other qualifications for certain personnel employed by a charter school, including requiring charter schools to employ licensed teachers. Any person currently teaching in a charter school who would not meet these proposed qualifications would be allowed to continue teaching for up to five years while obtaining the necessary qualifications. **(BDR –)**

#### *Testing of Pupils*

3. Propose legislation to provide that the requirement to administer certain assessments under both the federal [Every Student Succeeds Act](#) (Pub.L. 114-95) and state law will be waived to the extent granted by the federal government. **(BDR –)**
4. Propose legislation to require NDE to review the educational value of assessments, the cost of assessments, and redundancy in similar information being measured by different assessments. The proposal would also require NDE to adopt by regulation appropriate limitations on assessments, including, but not limited to: (1) the actual instructional time lost by students due to the administration of certain assessments; and (2) the number of tests administered. If a school district wants to exceed the recommended limits, the school district must request a waiver from the State Board of Education to exceed such limits. **(BDR –)**

### *Charter Schools*

5. Propose legislation to require governing bodies of each charter school in Nevada that contracts with an educational management organization to report to the State Public Charter School Authority (SPCSA) by November 1 of each even-numbered year the amount paid to the management organization. **(BDR –)**

### *Transportation of Pupils*

6. Propose legislation to revise [NRS 386.830](#) to require Nevada's Department of Public Safety (DPS) to provide written notice of violations discovered during semiannual school bus inspections to the superintendent of a school district, or his or her designee, where the vehicle operates. Further, require DPS to provide an annual report detailing the inspections and related recommendations to ensure the health of the school bus fleet to each district superintendent or the head of each charter school. **(BDR –)**

## RECOMMENDATIONS FOR COMMITTEE ACTION

### *Educational Personnel*

7. Include a statement in the Committee's final report expressing support for the establishment of a teacher hotline program—whether online, by telephone, or other platform—where teachers can request and receive timely support for immediate issues and concerns from experienced teachers. The Committee further supports efforts by NDE to work with the Office of the Governor and the TRRA Task Force to develop the parameters of such a program and an estimate of the cost to establish and administer the program.
8. Send a letter to the superintendent of each school district requesting that each district report to NDE and the TRRA Task Force on exit survey information the school district collects, if any.
9. Include a statement in the Committee's final report stating that if the Legislature creates and funds a teacher incentive program, NDE and the school districts are encouraged to collaborate to ensure districts are utilizing the flexibilities provided within the program.
10. Send a letter to the Nevada System of Higher Education (NSHE) requesting that NSHE ensure its institutions are allowing students who want to enter the teaching profession to enroll in courses before passing the Praxis exam.
11. Send a letter to the superintendent of each school district and Nevada's teacher unions, including, but not limited to, the Clark County Education Association, the Nevada State Education Association, and the Washoe Education Association, requesting the entities to identify and report on current licensure barriers and potential statutory solutions to NDE. Further, request the entities to report this information to the director of the Legislative Counsel Bureau by December 31, 2020, for transmittal to the Senate and Assembly Committees on Education of the 81<sup>st</sup> Legislative Session.

12. Include a statement in the Committee's final report expressing support for the important work already completed by the superintendent of each school district and NSHE in "Grow Your Own" partnerships, which assist in the recruitment of teachers. The statement will further encourage investment in continuing these partnerships.
13. Include a statement in the Committee's final report encouraging legislators, the board of trustees of each school district, and the districts' superintendents to consider whether funding, professional development, and sufficient training on new programs are available prior to the implementation of those new programs.
14. Send a letter to the board of trustees and superintendent of each school district requesting that school districts ensure the development of student learning goals and objectives are teacher driven, pursuant to the requirements outlined in [NRS 391.480](#).

#### *Educational Programs and Resources*

15. Include a statement in the Committee's final report expressing support for appropriations or the reinstatement of funding for wraparound services for children and families once funding is available.
16. Include a statement in the Committee's final report expressing support for additional, dedicated funding to classroom resources once funding is available.
17. Include a statement in the Committee's final report expressing support for funding the Teachers' School Supplies Assistance Account once funding is available. Further, express support for including technology needs for staff and students in the definition of "supplies."
18. Send a letter to NDE and the board of trustees of each school district requesting the entities to ensure appropriate distance learning materials and information are accessible for both the blind, deaf, hard of hearing, and visually impaired students and blind, deaf, hard of hearing, and visually impaired parents or guardians.
19. Include a statement in the Committee's final report supporting any upcoming legislation or other efforts that: (1) establish a coordinated curriculum for robotics programs; and (2) better leverage funding for career and technical education, dual enrollment, and dual credit programs to be more effective.

#### *Student and Educational Personnel Safety and Well-Being*

20. Include a statement in the Committee's final report acknowledging the recommendations included in the anti-bullying, cyber-bullying, and discriminatory harassment working group's report.
21. Include a statement in the Committee's final report encouraging NDE, SPCSA, and the superintendent of each school district to ensure teachers and staff are provided with informational resources to assist in recognizing mental health disorders and making appropriate referrals to help fellow teachers, pupils, and staff with their own mental health needs.

22. Include a statement in the Committee's final report encouraging members of the 81<sup>st</sup> Legislative Session to prioritize funding for school safety and student well-being initiatives and programs once funding is available.
23. Send a letter notifying the superintendents of Nevada's two largest school districts that it has come to the Committee's attention that certain requirements regarding the Handle with Care Program, as established pursuant to [NRS 388.14538](#), have not been implemented in a timely manner, and the letter should urge both school districts to fulfill those requirements as soon as possible.

*Testing of Pupils*

24. Include a statement in the Committee's final report notifying NDE and the superintendent of each school district that the requirement to offer certain assessments in any language in which the assessments are published, pursuant to [NRS 390.105](#), as amended by [Assembly Bill 219](#) (2019), has not been implemented in a timely manner, and urge the entities to fulfill the requirement as soon as possible.

**Committee on Energy**  
**(NRS 218E.805)**

## **LEGISLATIVE COMMITTEE ON ENERGY**

*Nevada Revised Statutes 218E.805*

### **Members**

Assemblywoman Daniele Monroe-Moreno, Chair  
Senator Chris Brooks, Vice Chair  
Senator Scott T. Hammond  
Senator Patricia (Pat) Spearman  
Assemblywoman Sarah Peters  
Assemblywoman Jill Tolles

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*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 a permanent committee of the Legislature 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 on 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.

The Committee held four meetings during the 2019–2020 Interim. The first two meetings were held in the Grant Sawyer State Office Building in Las Vegas, Nevada, with videoconferencing to the Legislative Building in Carson City, Nevada. The last two meetings were conducted in a virtual format due to in-person meeting restrictions caused by the Coronavirus Disease of 2019 (COVID-19) pandemic.

The Committee approved recommendations for two bill draft requests to be considered by the 81<sup>st</sup> Session of the Nevada Legislature in 2021 addressing transportation funding. The Committee also approved recommendations for letters and a statement in its final report related to: (1) an integrated western energy market; (2) geological mapping and light detection and ranging; and (3) promoting mining education.

The summaries of testimony and exhibits are available online at: <https://www.leg.state.nv.us/App/InterimCommittee/REL/Interim2019/Committee/1569/Meetings>.

## SUMMARY OF RECOMMENDATIONS

### LEGISLATIVE COMMITTEE ON ENERGY

*Nevada Revised Statutes 218E.805*

This summary presents the recommendations approved by the Legislative Committee on Energy at its meeting on September 16, 2020. The bill draft requests (BDRs) will be forwarded to the Legislative Commission for transmittal to the 81<sup>st</sup> Session of the Nevada Legislature.

#### RECOMMENDATIONS FOR LEGISLATION

1. Draft a bill requiring Nevada's Department of Transportation to establish a working group beginning in July 2021 and ending in December 2022 to study:
  - a. The needs of all transportation mode users, including bicyclists, pedestrians, and transit users;
  - b. Social and user transportation equity;
  - c. The reduction of greenhouse gas emissions;
  - d. The sustainability of the Highway Fund, including, but not limited to, an analysis of the Natural Resources Defense Council funding model and Utah's Road Usage Charge Program; and
  - e. The role of land use and smart growth strategies in reducing transportation emissions and improving system efficiency and equity.

The working group must consist of, but is not limited to:

- a. Representatives of agencies from metropolitan planning organizations;
- b. Representatives of environmental agencies and organizations;
- c. Representatives of clean energy;
- d. Experts in taxation policy;
- e. Representatives of federal, state, county, local, and tribal agencies with transportation and clean energy expertise, as well as other interested parties;
- f. The chairs of the Senate and Assembly Committees on Growth and Infrastructure of the immediately preceding legislative session;
- g. Representatives of labor organizations; and
- h. Other interested persons and entities.

The working group must collect and monitor data and develop preliminary plans for a sustainable transportation funding system. The Department must submit a report to the 2023 Legislature concerning the activities, conclusions, and recommendations of the working group. **(BDR –458)**

2. Draft a bill amending Article 9, Section 5 of the *Nevada Constitution* to provide that the use of the proceeds from the imposition of any license or registration fee and other charge with respect to the operation of any motor vehicle upon any public highway in this state and the proceeds from the imposition of any excise tax on gasoline or other motor vehicle fuel shall, except the costs of administration, be used exclusively for the construction, maintenance, operation, and repair of the public highways, transit, and transportation infrastructure of this state. **(BDR –459)**

#### RECOMMENDATIONS FOR COMMITTEE ACTION

3. Draft a letter to the governor of Nevada, the Office of Energy of the Office of the Governor, the Public Utilities Commission of Nevada, and NV Energy supporting an integrated western energy market. The benefits of an integrated western energy market include lower emissions of greenhouse gases, lower energy prices, and improved grid efficiency. The letter should include support of the principles developed by the Advanced Energy Economy to inform and guide discussion among western states about options to create a broader regional wholesale market and a more coordinated transmission grid.
4. Draft a letter to the Nevada System of Higher Education, Nevada’s Department of Education, and the Department of Employment, Training and Rehabilitation encouraging them to continue working with the mining industry to improve education, communication, and interest in mining-related fields, such as mining and mineral-related education in grades K–12, undergraduate, graduate, and continuing education. An exchange of communication between educators and industry will result in the type of skills and attributes necessary for Nevada’s students to become mining industry employees.
5. Include a statement in the Committee’s final report encouraging governmental agencies, such as the United States Geological Survey of the U.S. Department of the Interior and the U.S. Department of Energy, to allocate additional funds to be used in Nevada to increase statewide light detection and ranging (LiDAR) data, which is high resolution topographic data that may provide critical information on the distribution of faults and rock layers that host renewable energy resources. The LiDAR systems allow scientists and mapping professionals to examine both natural and manmade environments with accuracy, precision, and flexibility. Applications in Nevada include fault patterns related to geothermal resources, lithium exploration, and solar and wind farm siting.

**Committee on Health Care  
(NRS 439B.200)**

## **LEGISLATIVE COMMITTEE ON HEALTH CARE**

*Nevada Revised Statutes 439B.200*

### **Members**

Assemblywoman Lesley E. Cohen, Chair  
Senator Julia Ratti, Vice Chair  
Senator Joseph (Joe) P. Hardy, M.D.  
Senator Joyce Woodhouse  
Assemblywoman Connie Munk  
Assemblywoman Robin L. Titus, M.D.

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*Nevada Revised Statutes 439B.200*

**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) is a permanent committee of the Nevada Legislature whose authority and duties are set forth in [NRS 439B.200 through 439B.227](#). Established in 1987 to provide continuous oversight of health care matters, the LCHC oversees a broad spectrum of issues related to the access, cost, and quality of health care for all Nevadans.

The LCHC held eight meetings, including a work session, during the 2019–2020 Interim. Having received a waiver from the Legislative Commission to meet after the August 31, 2020, deadline prescribed by [NRS 439B.210](#), the LCHC completed its work on September 14, 2020.

Throughout the interim, the LCHC considered topics relating to behavioral health, maternal and child health, oral health, public health, and the Coronavirus Disease of 2019 (COVID-19).

During its work session on September 14, 2020, the LCHC approved proposals for eight bill draft requests (BDRs) to be considered by the 81<sup>st</sup> Session of the Nevada Legislature. The BDRs concern:

1. Medicaid reimbursement for community health workers;
2. Screening, Brief Intervention, and Referral to Treatment, also known as SBIRT, training for prescribers of controlled substances;
3. Medicaid 1115 waivers from the federal “institutions for mental disease” payment exclusion policy for certain mental and behavioral health treatment;
4. Medicaid coverage for pregnant women;
5. Requirements related to testing pregnant women for certain sexually transmitted infections;
6. Training requirements for unlicensed caregivers who provide care at certain state-licensed facilities, homes, agencies, or providers;
7. Health workforce data collection; and
8. Oral health.

In addition, LCHC members authorized the chair to send letters to certain legislative committees and the director of the Department of Health and Human Services in support of the priorities of the children’s mental health consortiums and to include a statement of support regarding the Health in All Policies approach in the Committee’s final report.

## 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 at its meeting on September 14, 2020. The bill draft requests (BDRs) will be forwarded to the Legislative Commission for transmittal to the 81<sup>st</sup> Session of the Nevada Legislature.

### RECOMMENDATIONS FOR LEGISLATION

#### *Community Health Workers*

1. Propose legislation to require Medicaid to reimburse the services of community health workers who provide services under the supervision of a physician, physician assistant, or advanced practice registered nurse. **(BDR –449)**

#### *Behavioral Health and Substance Use Prevention*

2. Propose legislation to:
  - a. Define “SBIRT”—Screening, Brief Intervention, and Referral to Treatment—to mean an evidence-based method of delivering early intervention and treatment to persons with substance use disorder or at risk of developing substance use disorder that consists of: (1) screening to assess the severity of substance use and identify the appropriate level of treatment; (2) brief intervention to increase insight and awareness of substance use and motivation toward behavioral change; and (3) referral to treatment for those who need more extensive treatment and access to specialty care.
  - b. Require health care professionals who are authorized to prescribe controlled substances in Nevada, as a condition for licensure or license renewal, to obtain two hours of continuing education in SBIRT; such controlled substance prescribers must complete SBIRT training only once during licensure in the state.
  - c. Allow completion of approved SBIRT training to fulfill continuing education requirements related to pain management, substance use, other addictive disorders, and the prescribing of opioids and similar topics (such as requirements in [NRS 630.2535](#), [NRS 631.344](#), [NRS 632.2375](#), [NRS 633.473](#), [NRS 635.116](#), and [NRS 636.2881](#)) for the licensing period in which the SBIRT training is completed.
  - d. Require training to be completed by January 1, 2024, for license renewal and prior to licensure for controlled substance prescribers applying for licensure on or after this date.
  - e. Allow a controlled substance prescriber who, on or after July 1, 2021, obtains a waiver to treat opioid dependency with narcotic medications, in accordance with the Drug Addiction Treatment Act of 2000, 21 U.S.C. Sec. 823 et seq., to use the waiver to satisfy the SBIRT continuing education requirement and to satisfy two additional hours of continuing

education requirements related to substance use, addictive disorders, or pain management. If a prescriber has already completed the SBIRT continuing education requirement, obtaining the waiver satisfies four hours of continuing education related to substance use, addictive disorders, or pain management. **(BDR –450)**

3. Propose legislation to:

- a. Require the Division of Health Care Financing and Policy (DHCFP), Department of Health and Human Services (DHHS), to apply for a Medicaid 1115 demonstration waiver to pay for substance use disorder treatment services in “institutions for mental disease” (IMDs), facilities that have more than 16 beds and primarily provide mental and behavioral health care services.
- b. Authorize DHCFP to apply for a Medicaid 1115 demonstration waiver of the federal IMD payment exclusion for services for adults with serious mental illness or children with a serious emotional disturbance.

Federal law prohibits federal payment for services provided to patients residing in IMDs. This prohibition means Medicaid may not use federal matching funds to pay for services at mental and behavioral health facilities with more than 16 beds. However, in recent years, the federal Centers for Medicare and Medicaid Services (CMS) has authorized two Section 1115 waivers from the IMD exclusion policy. The first allows states to apply for a waiver to pay for substance use disorder treatment in IMDs; these waivers have been approved in 28 states. The second allows a waiver to pay for services for adults with serious mental illness or children with a serious emotional disturbance; such waivers have been approved in four states.<sup>1</sup> **(BDR –451)**

*Maternal Health*

4. Propose legislation to require DHCFP, to the extent authorized by federal law, to expand Medicaid coverage to pregnant women in Nevada by:
  - a. Increasing Medicaid coverage for pregnant women in Nevada from 165 percent to 200 percent of the federal poverty level.
  - b. Implementing presumptive Medicaid eligibility for pregnant women, wherein qualified entities such as health care providers; schools; Head Start; the Women, Infants, and Children Program; and other community organizations are authorized to determine that pregnant women are presumptively eligible for the Medicaid program. Presumptive eligibility lasts until the end of the month following enrollment, during which time the recipient must submit a Medicaid application to continue coverage.
  - c. Eliminating the requirement that lawfully residing pregnant women must have lived in the United States for five years prior to being eligible for Medicaid.

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<sup>1</sup> [Medicaid Waiver Tracker: Approved and Pending Section 1115 Waivers by State](#), Kaiser Family Foundation, Updated September 1, 2020.

- d. Expanding postpartum Medicaid coverage from 60 days to 12 months following childbirth. This option will require DHCFP to apply for a Section 1115 waiver from CMS. **(BDR –452)**

5. Propose legislation to:

- a. Revise [NRS 442.010\(1\)\(a\)](#) to clarify when a pregnant woman must be tested for syphilis as follows:
  - i. The first trimester of pregnancy, at the woman’s first visit or as soon thereafter as practicable;
  - ii. The third trimester of pregnancy, between the 27<sup>th</sup> and 36<sup>th</sup> week of gestation or as soon thereafter as practicable; and
  - iii. At delivery for women who are at high risk for syphilis, as defined by the federal Centers for Disease Control and Prevention (CDC); live in areas of high syphilis morbidity; did not receive prenatal care; or deliver a stillborn infant.
- b. Revise [NRS 442.020](#) to make the penalty for violating NRS 442.010 a civil penalty not to exceed \$500, instead of a misdemeanor, and authorize the Division of Public and Behavioral Health (DPBH), DHHS, to impose such fines.
- c. Require hospital emergency departments and other medical facilities to test pregnant women who seek care in the facility for syphilis, if a woman indicates that she has not had prenatal care as recommended by the American College of Obstetricians and Gynecologists or its successor organization.
- d. Require screening for chlamydia, gonorrhea, hepatitis B, and hepatitis C for all pregnant women as recommended by the CDC or its successor organization.
- e. Provide pregnant women the right to opt out of such screening. **(BDR –453)**

*Training for Caregivers*

6. Propose legislation to:

- a. Require DPBH to adopt regulations regarding mandatory training for unlicensed caregivers who provide care at certain facilities, homes, agencies, or providers licensed under [Chapter 449](#) of NRS. The Division must:
  - i. Identify the facilities/facility types subject to this training;
  - ii. Set minimum standards of training on topics related to infection control and prevention and any other topics it deems appropriate;
  - iii. Review and revise required topics of training periodically to address new or relevant issues that impact health and safety; and

- iv. Identify nationally recognized, evidence-based organizations that provide free or low-cost training modules on required topics and whose training may be used to satisfy training requirements.
- b. Provide that the administrator of each facility subject to these regulations:
  - i. Is responsible for ensuring appropriate staff complete required training annually, documenting the completion of such training in personnel files, and ensuring the implementation of best practices addressed in the training throughout the facility; and
  - ii. Must develop and implement an infection control plan based on nationally recognized, evidence-based guidelines for the facility. The infection control plan must be updated annually. It must be provided in writing upon development and annually thereafter to all facility employees, contractors, others who regularly provide services on the premises, and residents. **(BDR –454)**

#### *Health Workforce Data Collection*

- 7. Propose legislation to enact the Health Care Workforce Data Collection, Analysis, and Policy Act to improve available data on the health care workforce in Nevada. This data will be used to inform health policy planning and workforce development, including health professional shortage area (HPSA) designations and funding tied to HPSA designations for health professionals and facilities in medically underserved areas of the state. Specifically:
  - a. The director of DHHS shall establish and maintain a database, analyze data collected, develop reports for the Legislature or the Executive Branch, and perform other duties to carry out the provisions of the Health Care Workforce Data Collection, Analysis, and Policy Act. The Department may contract or collaborate with a private or public entity to conduct the aforementioned activities.
    - i. An entity that establishes, maintains, or analyzes data or develops reports by contract pursuant to subsection (a) of this section shall provide to DHHS, in a manner that conforms to DHHS rules, access to any health care workforce data that the entity establishes, maintains, analyzes, or reports; and
    - ii. Aggregated, de-identified data must be made available to the public.
  - b. An applicant for renewal of a license by a board shall provide the information prescribed by DHHS pursuant to subsection (d) of this section. Subsection (b) applies to applicants for renewal of health professional licensure under the following boards:
    - i. Board of Medical Examiners;
    - ii. State Board of Osteopathic Medicine;
    - iii. Board of Dental Examiners of Nevada;

- iv. Board of Psychological Examiners;
  - v. Board of Examiners for Social Workers;
  - vi. Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors;
  - vii. State Board of Nursing; and
  - viii. State Board of Pharmacy.
- c. Failure of an applicant for renewal of a license to submit the information pursuant to subsection (d) of this section is not grounds for denial of the renewal or any other disciplinary action by the board against the applicant.
- d. The State Board of Health, with input from licensing boards and other health care stakeholders, shall adopt rules regarding the manner, form, and content of reporting data; the consistency of data entry fields used; and the information that an applicant, pursuant to subsection (b) of this section, shall provide to a board. At a minimum, the rules shall provide for a core essential data set, including the applicant's:
- i. Demographics, including, but not limited to, race, ethnicity, and primary and other languages spoken;
  - ii. Practice status, including, but not limited to:
    - Active practices in Nevada and other locations;
    - Practice type, such as individual practice or multispecialty group practices; and
    - Practice settings, such as hospital, clinic, or other clinical settings;
  - iii. Education, training, and primary and secondary specialties;
  - iv. Average hours worked per week and the average number of weeks worked per year in the licensed profession;
  - v. Percentage of practice engaged in direct patient care and in other activities, such as teaching, research, and administration in the licensed profession;
  - vi. Practice plans for the next five years, including retiring from the health care profession, moving out of state, or changing health care work hours; and
  - vii. Additional data elements identified by the State Board of Health.

If boards already collect information required by the State Board of Health, they do not need to duplicate the same questions for the purposes of the required data collection, but all required information must be provided to DHHS.

- e. The following boards shall report health care workforce information collected pursuant to this section to DHHS on a regular basis, to be determined by the State Board of Health in regulation, but no less than annually. Required data must be collected for all license renewals beginning July 1, 2022, and may be collected earlier if regulations are in place:
  - i. Board of Medical Examiners;
  - ii. State Board of Osteopathic Medicine;
  - iii. Board of Dental Examiners of Nevada;
  - iv. Board of Psychological Examiners;
  - v. Board of Examiners for Social Workers;
  - vi. Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors;
  - vii. State Board of Nursing; and
  - viii. State Board of Pharmacy.
- f. Other health professional licensure boards may choose to require applicants for license renewal to submit data as prescribed by the State Board of Health, and the board may provide such data to DHHS pursuant to the Health Care Workforce Data Collection, Analysis, and Policy Act.
- g. A board shall keep confidential and not release personally identifiable data collected under this section for any person licensed, registered, or certified by the board. The provisions of this subsection do not apply to the release of information to a law enforcement agency for investigative purposes or to DHHS for state health planning purposes. The Department or a person with whom DHHS contracts to perform data collection, storage, and analysis shall protect the privacy of that data. The Department shall ensure that the responses of applicants shall be kept confidential, including taking special precautions when the identity of an applicant may be ascertained due to the applicant's location or occupation.
  - i. Only aggregate, de-identifiable data may be made public; and
  - ii. None of the data required to be collected by the State Board of Health that is not typically collected as part of the license renewal process may be used by boards to make decisions regarding licensure renewal.
- h. A board shall promulgate rules as necessary to perform the board's duties pursuant to this section, including rules for collecting, storing, and analyzing data in addition to the information required to be collected by the Health Care Workforce Data Collection, Analysis, and Policy Act.

- i. Health Care Workforce Advisory Group—The director of DHHS shall convene a health care workforce advisory group that includes representatives of health care consumers; health care providers and industry; organized groups representing physicians, physician assistants, nurses, nurse practitioners, dentists, dental hygienists, pharmacists, behavioral health providers, and allied health professions; health care workforce training institutions; institutions of higher education; health professional licensing boards; and appropriate representatives of DHHS. The workforce advisory group shall advise:
  - i. The State Board of Health on the development of regulations related to required questions/data collection, survey methodology, and other related issues; and
  - ii. The State Board of Health and other health stakeholders on the use of health workforce data to inform policymaking, the federal HPSA designation process, health policy planning, and improving health outcomes in Nevada.

The advisory group must convene within 90 days of the effective date of this bill.

- j. Requested effective date is July 1, 2021. **(BDR –457)**

#### *Oral Health*

8. Propose legislation to enhance access to dental care through teledentistry, establish emergency dental responders, revise provisions related to the dental loss ratio, and amend the definition of “provider of health care” in [NRS 629.031](#) as follows:

#### Teledentistry

- a. Definitions:
  - i. “Board” means the Board of Dental Examiners of Nevada;
  - ii. “Dental practitioner” means a dentist, dental hygienist, dental hygienist with a public health endorsement, or dental therapist who is licensed pursuant to [Chapter 631](#) of NRS;
  - iii. “Teledentistry” means the mode of delivering dental health care services and public health via information and communication technologies to facilitate the diagnosis, consultation, treatment, education, care management, and self-management of a patient’s dental health care while the patient is at an originating site and the dental practitioner is at a distant site. Teledentistry facilitates patient self-management and caregiver support for patients and includes synchronous interactions and asynchronous store and forward transfers. Teledentistry also includes mobile dentistry and remote patient monitoring;
  - iv. “Teledental services” means the use of telehealth systems and methodologies as outlined in [Chapter 629](#) of NRS by a licensed dental practitioner operating within the scope of his or her practice or specified in rules adopted by the Board;

- v. “Dental home” means oral health care is delivered in a comprehensive, continuously accessible, coordinated, and family-centered way by a licensed dentist;
  - vi. “Asynchronous store and forward” means the transmission of a patient’s medical and dental information from an originating site to the dental practitioner at a distant site;
  - vii. “Distant site” means a site where a dental practitioner who provides dental health care services is located while providing these services via a telecommunications system;
  - viii. “Originating site” means a site where a patient is located at the time dental health care services are provided via a telecommunications system or where the asynchronous store and forward service originates; and
  - ix. “Synchronous interaction” means a real-time interaction between a patient and a dental practitioner located at a distant site.
- b. Practice of teledentistry—To practice teledentistry, dental practitioners must meet requirements related to licensure, teledentistry general provisions, practitioner-patient relationship standards, patient rights and informed consent, and coordination of care, as outlined below.
  - c. Licensure—Require dental practitioners to obtain two hours of continuing education in teledentistry for initial licensure and, for those who are already licensed, for licensure renewal by 2022. The Board must establish regulations identifying courses that qualify for teledentistry continuing education.
    - i. This requirement is waived if the dental practitioner presents a certificate of completion in a teledentistry course as part of his or her coursework for graduation from an institution accredited by the Commission on Dental Accreditation; and
    - ii. A dental practitioner using teledentistry to practice dentistry, dental hygiene, or dental therapy on patients in Nevada must be licensed to practice in Nevada. This includes dental practitioners who treat or prescribe to Nevada patients through online service sites.
  - d. Professional liability insurance policies must provide malpractice coverage for teledentistry.
  - e. The Board is authorized to adopt regulations as necessary to carry out the provisions of the bill. These regulations should address, at a minimum:
    - i. Prescribing policies;
    - ii. Patient records and privacy;

- iii. Collaborative practices between medical and dental offices;
  - iv. Consultation, referrals, and billing between different dental specialty types; and
  - v. Definitions and interaction between dentists, dental hygienists, and dental therapists, including supervision and delivery of care.
- f. Teledentistry may be used in real time to provide limited diagnostic or emergency treatment planning services in collaboration with a nondental community liaison, such as a community health worker, teacher, or emergency medical responder, or a student enrolled in a program of study to become a dental hygienist, dental therapist, or dentist.
- g. For the purposes of this chapter, “telehealth,” as referenced in [Chapter 629](#) of NRS, shall include “teledentistry.”
- h. Teledentistry general provisions:
- i. Treatment and consultation recommendations made in an online setting, including issuing a prescription via electronic means or initial diagnosis and correction of malpositions of human teeth or initial use of orthodontic appliances, will be held to the same standards of appropriate practice as those in traditional, in-person encounters as outlined in [Chapter 631](#) of NRS. Treatment, including issuing a prescription or orthodontic appliance based solely on an online questionnaire, does not constitute an acceptable standard of care;
  - ii. Pursuant to [Chapter 631](#) of NRS, the standards of professional conduct are the same whether a patient is seen in person or through a teledentistry encounter. A dentist shall not conduct a dental examination using teledentistry if in his or her professional judgement, the patient requires an in-person dental examination;
  - iii. Dental practitioners using teledentistry will be held to the same standard of professional conduct as practitioners engaging in more traditional in-person care delivery, including the requirement to meet all technical, clinical, confidential, and ethical standards required by law;
  - iv. This section shall not be construed to alter the scope of practice of any dental practitioner or authorize the delivery of dental health care services in a setting, or in a manner, not otherwise authorized by law;
  - v. All laws and regulations governing professional responsibility, unprofessional conduct, and standards of practice that apply to a dental practitioner under his or her Nevada license shall apply while providing teledental services; and
  - vi. The Board may adopt regulations to specify evidence-based standards of practice and practice guidelines during a teledental procedure to ensure patient safety, quality of care, and positive outcomes.

i. Dental practitioner-patient relationship standards:

- i. A dental practitioner may use teledentistry to conduct an examination for a new patient or for a new diagnosis if the examination is conducted in accordance with evidence-based standards of practice to sufficiently establish an informed diagnosis;
- ii. Practitioner-patient relationship is the relationship between a dental practitioner and a receiver of oral health care services (patient) based on mutual understanding of their shared responsibility for the patient's oral health care;
- iii. When practicing teledentistry, a dental practitioner must establish a practitioner-patient relationship with the patient. The absence of in-person contact does not eliminate this requirement. Patient completion of a questionnaire does not, by itself, establish a practitioner-patient relationship, and therefore treatment, including prescriptions, based solely on a questionnaire, does not constitute an acceptable standard of care;
- iv. The dental practitioner must provide proof of identity, jurisdiction, and licensure status to the patient;
- v. The dental practitioner must make appropriate effort to confirm the patient's identity. If the patient is a minor, the dental practitioner must make appropriate effort to confirm the parent or legal guardian is present when required;
- vi. The dental practitioner must make appropriate effort to confirm and document the patient is physically located in a jurisdiction in which the dental practitioner is licensed;
- vii. Any individual, partnership, corporation, or other entity that provides dental services through teledentistry shall make available the name, telephone number, practice address, and Nevada state license number of any dentist who will be involved in the provision of services to a patient prior to the rendering of services and when requested by a patient; and
- viii. A violation of this section shall constitute unprofessional conduct.

j. Patient rights and informed consent:

- i. When teledentistry will be utilized, the patient will be actively involved in treatment decisions. Prior to the delivery of dental health care via teledentistry, the dental practitioner initiating the use of teledentistry shall inform the patient about the use of teledentistry and obtain verbal or written consent from the patient for the use of telehealth as an acceptable mode of delivering dental health care services and public health. The consent shall be documented;
- ii. The dental practitioner shall ensure informed consent includes the following:

- A description of the types of dental care services provided via teledentistry, including limitations on services;
  - The identity, contact information, practice location, licensure, credentials, and qualifications of all dental practitioners involved in the patient's dental care, which must be publicly displayed on a website or provided in writing to the patient;
  - Precautions for technological failures or emergency situations; and
  - Any other regulations established by the Board of Dental Examiners of Nevada;
- iii. Patient information must be stored and shared through a secure server. Electronic devices being used to record or store patient information must be encrypted and password-protected;
- iv. The dental practitioner shall ensure that the use of teledentistry complies with the privacy and security requirements of the federal [Health Insurance Portability and Accountability Act](#) of 1996 (104<sup>th</sup> Congress);
- v. A dental practitioner providing teledentistry services must document the encounter appropriately and completely so that the record clearly, concisely, and accurately reflects what occurred during the encounter. Such records should be permanent and easily available to or on behalf of the patient and other practitioners in accordance with patient consent, direction, and applicable standards. Dental practitioners should maintain security and confidentiality of the patient record in compliance with applicable laws and regulations related to the maintenance and transmission of such records. A dental practitioner who delivers dental services using teledentistry shall, upon request of the patient, provide health records in a timely manner;
- vi. A provider of dental services shall not require a patient to sign an agreement that limits the patient's ability to file a complaint with the board; and
- vii. Nothing in this section shall preclude a patient from receiving in-person dental health care delivery services during a specified course of dental health care and treatment after agreeing to receive services via teledentistry.
- k. Coordination of care:
- i. A dental practitioner who uses teledentistry shall have adequate knowledge of the nature and availability of local dental resources to provide appropriate follow-up care to a patient following a teledentistry encounter. A dental practitioner shall refer a patient to an acute care facility or an emergency department when referral is necessary for the safety of the patient or in the case of emergency; and

- ii. If the information transmitted through electronic or other means as part of a patient's encounter is not of sufficient quality or does not contain adequate information for the dental practitioner to form an opinion or if the procedure is beyond the practitioner's capability, the dental practitioner must declare he or she cannot make an adequate diagnosis and shall refer the patient for care. The dental practitioner may either complete an in-person physical examination, request additional data, or recommend the patient be evaluated by the patient's primary dentist or other local oral health care provider.
- l. Teledentistry in Medicaid:
- i. Require DHCFP, in requests for proposals for Medicaid medical managed care organizations (MCOs), to mandate that MCOs provide referrals to teledentistry services within any telehealth packages;
  - ii. Require DHCFP, dental MCOs, and fee-for-service programs to cover services provided through teledentistry including the synchronous or asynchronous encounter code;
  - iii. As a condition of payment, synchronous and asynchronous "store and forward" technology is permitted;
  - iv. Medicaid dental MCOs must create a list of currently available teledentistry services and providers in their network. This information must be updated and provided to hospital emergency departments annually; and
  - v. Require hospital emergency departments to provide the list of available teledentistry services to patients who present with nontraumatic dental conditions.
- m. A dental screening, exam, or assessment provided to patients through teledentistry meets the requirements for an oral health exam or assessment for entrance into an educational facility such as Head Start, licensed childcare facilities, and public or private schools as long as the dental screening, exam, or assessment identifies definitive dental or oral lesions and provides care, coordination, and referrals to locating a dental home.

#### Emergency Dental Responders

- a. Definitions:
- i. "Dental responder" means a dentist, dental hygienist, or dental therapist who is appropriately certified in disaster preparedness, immunizations, and dental humanitarian medical response consistent with the Society of Disaster Medicine and Public Health and certified by the National Incident Management System of the Federal Emergency Management Agency (FEMA), U.S. Department of Homeland Security; the National Disaster Life Support Foundation; or their successor organizations and holds a permit from the Nevada State Board of Health;

- ii. “Dental abandonment” means temporary or permanent unilateral severance of professional relationship between a dental practitioner and patient without sufficient notice when the necessity of continuing dental services exists;
  - iii. “Administrator” means the administrator of the Division of Public and Behavioral Health;
  - iv. “Division” means the Division of Public and Behavioral Health;
  - v. “Department” means the Department of Health and Human Services; and
  - vi. “Chief” means the chief of the Division of Emergency Management, Department of Public Safety (DPS).
- b. A dentist, dental hygienist, or dental therapist in good standing with the Board of Dental Examiners of Nevada who is appropriately certified in disaster preparedness, immunizations, and dental humanitarian emergency medical response consistent with the Society of Disaster Medicine and Public Health and certified by the National Incident Management System of FEMA, the National Disaster Life Support Foundation, or their successor organizations may apply for a dental responder permit from the State Board of Health.
- c. Dental responders are deemed to be acting within the bounds of licensure when providing emergency medical care, immunizations, and mobile and humanitarian care during the existence of a state of emergency or declaration of disaster pursuant to [NRS 414.070](#) or a public health emergency or other health event pursuant to [NRS 439.970](#).
- d. A dental responder who provides care is not liable for any civil damages, liability, or legal action as a result of any act or omission by that person in rendering care or assistance in good faith for the purpose of exercising functions related to an emergency. This does not exempt any harm that occurs because a dental responder committed intentional misconduct, gross negligence, or provided services under the influence of alcohol or drugs.
- e. A dental responder is afforded additional protections under [NRS 41.500](#).
- f. Expand the membership of the Committee on Emergency Medical Services, as outlined in [NRS 450B.151](#), to include one member who is licensed pursuant to [Chapter 631](#) of NRS, holds a dental responder permit, and who has experience providing emergency medical services.
- g. Establish the Committee on Dental Emergency Management within [Chapter 439](#) of NRS:
  - i. The Committee on Dental Emergency Management is hereby established within DPBH;
  - ii. The administrator shall appoint to the Committee on Dental Emergency Management:

- One representative of the Nevada Dental Association;
  - One representative of the Nevada Dental Hygienists' Association;
  - One representative of the Board of Dental Examiners of Nevada;
  - One or more representatives of a dental or dental hygiene school in the Nevada System of Higher Education;
  - One representative who is a county health officer, appointed pursuant to [NRS 439.290](#) in a county whose population is 100,000 or less, or the county health officer's designee;
  - The chief medical officer;
  - The state dental health officer;
  - The state public health dental hygienist;
  - One or more representatives of a state or local public health agency whose duties relate to emergency preparedness; and
  - One representative who is a consumer of dental healthcare services;
- iii. The term of each representative appointed to the Committee on Dental Emergency Management is three years. A representative may not serve more than two consecutive terms but may serve more than two terms if there is a break in service of not less than two years;
- iv. Each representative of the Committee shall appoint an alternate to serve in the member's place if the member is temporarily unable to perform the duties required; and
- v. A position on the Committee that becomes vacant before the end of the term of the member must be filled in the same manner as the original appointment.
- h. The Committee shall elect a chair from among its members. The term of the chair is one year with the possibility for reappointment.
- i. The Committee shall adopt rules for its own management.
- j. Representatives of the Committee serve without compensation, except that, for each day or portion of a day during which a member attends a meeting of the Committee or is otherwise engaged in the business of the Committee, the member of the Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. The per diem allowance and travel expenses must be paid by DPBH from money not allocated by specific statute for another use.

- k. Duties—The Committee on Dental Emergency Management shall:
- i. Advise the Board of Dental Examiners of Nevada and DPBH with respect to the preparation and adoption of regulations regarding any issues related to the delivery of dental services, dental practitioners, educational requirements, licensure, and emergency management during the existence of a state of emergency or declaration of disaster pursuant to [NRS 414.070](#) or a public health emergency or other health event pursuant to [NRS 439.970](#);
  - ii. Report any incidence of patient abandonment or unprofessional conduct to the Board of Dental Examiners of Nevada for investigation;
  - iii. Review and advise DPBH and the Committee on Emergency Medical Service regarding the management and performance of dental services during an emergency and regarding statewide emergency dental protocols;
  - iv. Organize and activate dental emergency responders in coordination with the Medical Reserve Corps, U.S. Department of Health and Human Services; the Statewide Volunteer Pool; Battle Born Medical Corps; or any other state emergency health care workforce;
  - v. Request DPBH action through public health announcements, memorandums, or emergency declarations;
  - vi. Develop an emergency service plan for the continuation of dental services during a declared local, state, or national emergency and establish associated protocols and notification systems including clear protocols for patient communication and emergency treatment, including patient screening and the appropriate use of personal protective equipment for the dental practitioner and dental staff;
  - vii. Encourage the training and education of dental emergency responders to improve the system of public safety in this state; and
  - viii. On or before January 31 of each year, submit a report to DPBH and the chief of the Division of Emergency Management, DPS:
    - A summary of any policies or procedures adopted by the Committee on Dental Emergency Management; and
    - A description of the activities of the Committee on Dental Emergency Management for the immediately preceding calendar year;
  - ix. Perform such other duties as may be required by law or regulation.
- l. The Committee on Dental Emergency Management shall meet at least twice each calendar year.

- m. The chief or state dental health officer may activate the Committee on Dental Emergency Management or any subcommittee thereof.
- n. During the existence of a state of emergency or declaration of disaster pursuant to [NRS 414.070](#) or a public health emergency or other health event pursuant to [NRS 439.970](#), the provisions of [Chapter 241](#) of NRS do not apply to any meeting held by the Committee on Dental Emergency Management or a subcommittee thereof.
- o. The DPBH shall adopt such regulations as are necessary to govern the Committee on Dental Emergency Management.
- p. The State Board of Health, in association with the Committee on Dental Emergency Management, shall adopt regulations as necessary to carry out the provisions of the bill.

#### Dental Loss Ratio

- a. Revise [NRS 695D.240](#) as follows:
  - i. “Medical loss ratio” means a financial measurement to determine the percentage of prepaid charges or premiums collected that are used to pay for dental care. For example, a medical loss ratio of 75 percent indicates that the organization for dental care is using the remaining 25 percent of premiums to pay marketing and administration expenses, including profits, agent commissions, and salaries for employees at the organization for dental care;
  - ii. Marketing and administrative expenses must include agent commissions, profits, and salaries of employees at organizations for dental care;
  - iii. An organization for dental care that issues, sells, renews, or offers a contract covering dental services shall file a report with the department by July 31 of each year, which shall be known as the Medical Loss Ratio (MLR) annual report. The MLR annual report shall be organized by market and product type and shall contain the same information required in the 2013 federal MLR Annual Reporting Form (CMS-10418). The Department shall post a health care service plan’s MLR annual report on its website within 45 days after receiving the report;
  - iv. The MLR reporting year shall be for the calendar year during which dental coverage is provided by the plan. As applicable, all terms used in the MLR annual report shall have the same meaning as used in the federal Public Health Service Act (42 U.S.C. Sec. 300gg-18), Part 158 (commencing with Section 158.101) of Title 45 of the Code of Federal Regulations, and Section 1367.003;
  - v. If the commissioner decides to conduct a financial examination as described in [NRS 695D.270](#) because the commissioner finds it necessary to verify the organization for dental care’s representations in the MLR annual report, the Department shall provide the health care service plan with a notification 30 days before the commencement of the financial examination;

- vi. The organization for dental care shall have 30 days from the date of notification to electronically submit to the Department all requested records, books, and papers. The commissioner may extend the time for a health care service plan to comply with this subdivision upon a finding of good cause;
- vii. The Department shall make available to the public all of the data provided to the Department pursuant to this section; and
- viii. Organizations for dental care are exempt from this reporting requirement for products offered under Nevada Medicaid, the Children's Health Insurance Program, or other state sponsored health programs.

#### Other

- a. Amend [NRS 629.031](#) to include dental hygienists and dental therapists in the definition of "provider of health care." (**BDR –455**)

#### RECOMMENDATIONS FOR COMMITTEE ACTION

- 9. Send letters to the Senate and Assembly Committees on Health and Human Services and the director of DHHS expressing the Committee's support for the priorities identified by the children's mental health consortiums.
- 10. Include a statement of support for Health in All Policies (HiAP) in Nevada in the Committee's final report. Health in All Policies is an approach to addressing the social determinants of health and supporting health equity through collaboration between public health entities and nontraditional stakeholders. The HiAP concept relies on incorporating health considerations into decision-making across sectors and policy areas and includes five key elements: (1) promoting health and equity; (2) supporting intersectoral collaboration; (3) creating mutual benefits for multiple partners; (4) engaging stakeholders; and (5) creating structural or process change. An ongoing HiAP pilot program between the Nevada Public Health Training Center and the Office of Minority Health and Equity, DHHS, aims to reduce practices that contribute to health disparities experienced by minority populations through collaboration with agencies whose services address social determinants of health.

**Commission on Special License Plates  
(NRS 482.367004)**

## **COMMISSION ON SPECIAL LICENSE PLATES**

*Nevada Revised Statutes (NRS) 482.367004*

### **Members**

Assemblywoman Daniele Monroe-Moreno, Chair  
Senator Yvanna D. Cancela, Vice Chair  
Senator Marcia L. Washington  
Assemblyman William McCurdy II  
Assemblywoman Jill Tolles

### **Nonvoting Members**

Julie Butler, Director, Department of Motor Vehicles  
Tony Manfredi, Executive Director, Nevada Arts Council,  
Department of Tourism and Cultural Affairs  
George Togliatti, Director, Department of Public Safety

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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 482.3746](#), [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](#); [2017, 3573](#))

## ABSTRACT

### COMMISSION ON SPECIAL LICENSE PLATES

*Nevada Revised Statutes (NRS) 482.367004*

The Commission on Special License Plates is an ongoing statutory commission authorized under the provisions of [NRS 482.367004](#) to recommend to the Department of Motor Vehicles (DMV) the approval or disapproval of applications for special license plates, as defined in [NRS 482.367008](#).

The Commission consists of five voting members and three nonvoting members. The voting members must be legislators, including the legislators who served as chairs of the Senate and Assembly Committees on Transportation during the most recent legislative session, or their designees. (For the 2019 Legislative Session, these Committees' names were Growth and Infrastructure.) The nonvoting members are the directors of the DMV, the Department of Public Safety, and the Department of Tourism and Cultural Affairs, or their designees.

The Commission held one meeting during the 2019–2020 Interim on September 23, 2020. The meeting was conducted in a virtual format due to in-person meeting restrictions caused by the Coronavirus Disease of 2019 (COVID-19) pandemic.

This interim there were seven pending applications and two available openings for special license plates in the first tier. In the second tier, there were two available openings, with three pending applications. The Commission considered the applications in order of receipt and recommended to the DMV approval of two applications in the first tier for the Clark County Public Education Foundation, Inc., DBA The Public Education Foundation, and Opportunity Village, The ARC. The Commission also recommended to the DMV the approval of two applications in the second tier for special license plates for the Neon Museum and the Friends of Las Vegas Metropolitan Police. A third applicant for the second tier, the Ultimate Fighting Championship, was recommended to the DMV for approval if there is an available opening before July 1, 2021. It should be noted the Food Bank of Northern Nevada, the United States Olympic Committee and Sky Tavern Jr. Ski Program, the National Association of Social Workers, and the Nevada Firearms Coalition requested to be withdrawn from consideration in the first tier, and Keep Memory Alive/Cleveland Clinic Lou Ruvo Center for Brain Health requested to withdraw its application in the second tier.

At its meeting on September 23, 2020, the Commission recommended the DMV redesign the Hot August Nights special license plate. The Commission also recommended the DMV redirect fees received from the sale and renewal of the Virginia & Truckee (V&T) Railroad special license plate from Storey County's bank account to the Nevada Commission for the Reconstruction of the V&T Railway bank account, which was established in August 2019.

The Commission held a work session at its meeting and voted to forward four recommendations as bill draft requests (BDRs) to the 2021 Legislature. The BDRs address:

1. Revision to the process whereby the DMV suspends a special license plate;
2. Submission of artwork for a special license plate;

3. Alphanumeric sequencing on all special license plates; and
4. Transfer of the duties and responsibilities of the Commission on Special License Plates to the DMV.

## SUMMARY OF RECOMMENDATIONS

### COMMISSION ON SPECIAL LICENSE PLATES

*Nevada Revised Statutes 482.367004*

This summary presents the recommendations approved by the Commission on Special License Plates at its meeting on September 23, 2020. The bill draft requests (BDRs) will be forwarded to the Legislative Commission for transmittal to the 81<sup>st</sup> Session of the Nevada Legislature.

#### RECOMMENDATIONS FOR LEGISLATION

##### *Revision to the Process Where the Department of Motor Vehicles (DMV) Suspends a Special License Plate*

1. Draft a bill providing that if the Commission on Special License Plates recommends the DMV suspend a special license plate pursuant to subsection 4(b) of [NRS 482.38279](#), the Department, in consultation with the Commission, is authorized to: (1) change the status of the suspended special license plate to be suspended with conditions; or (2) terminate the special license plate. **(BDR 43–473)**

##### *Submission of Artwork for a Special License Plate*

2. Draft a bill requiring an organization to submit its special license plate artwork to the DMV within 180 days of a recommendation by: (1) the Commission on Special License Plates to the DMV to approve its application; or (2) a special license plate approved by the Legislature and signed by the governor. An organization that fails to submit the license plate artwork within 180 days is deemed to have forfeited the plate. Additionally, an organization has 30 days to respond to the Department once the DMV provides the organization with a formatted license plate design for its approval. An organization that does not respond in writing to the DMV with an approval and/or request to make additional modifications to the proposed design is deemed to have accepted the proposed special license plate design. **(BDR –474)**

##### *Alphanumeric Sequencing for All Special License Plates*

3. Draft a bill to allow the DMV to determine alphanumeric character sequencing on all special license plates. Effective July 1, 2021, except as otherwise provided pursuant to [NRS 482.37933](#), “Support of preservation and restoration of Lake Tahoe Basin,” all sequential passenger vehicle special license plates must hold five positions to include a series of the respective stacked character set and alphanumeric characters, and all sequential motorcycle special license plates must hold four positions to include a series of the respective stacked character set and alphanumeric characters. **(BDR –475)**

*Transfer of the Duties and Responsibilities of the Commission on Special License Plates to the DMV*

4. Draft a bill to transfer all of the duties and responsibilities of the Commission on Special License Plates to the DMV. Also, transfer all duties and responsibilities for financial investigations of charitable organizations that receive additional fees from special license plates from the legislative auditor, pursuant to [NRS 482.38272](#) through [482.38279](#), to the DMV. **(BDR 43–476)**

SUMMARY OF SPECIAL LICENSE PLATE APPLICATIONS  
APPROVED BY THE COMMISSION

The following is a summary of the applications recommended by the Commission on Special License Plates to the DMV for approval of the design, preparation, and issuance of special license plates at its meeting on September 23, 2020.

**First Tier**

*Clark County Public Education Foundation, Inc., DBA The Public Education Foundation*

1. The Public Education Foundation was established in 1991 as a not-for-profit 501(c)(3) organization. The Foundation's mission is to bring about transformational change in educational leadership, learning, and teaching. It investigates and evaluates ways that Nevada's children can be better educated and focuses on programs that meet the needs of its most underserved students while providing equity and access. Proceeds from the sale and renewal of a special license plate will be applied to the Family Learning Program, the Innovation Lab, Scholarship PLUS, and the Teacher Exchange.

*Opportunity Village, The ARC*

2. Opportunity Village, The ARC, is a not-for-profit organization serving adults in southern Nevada with intellectual and related disabilities since 1954. In Fiscal Year 2018–2019, Opportunity Village served 1,076 people, employed 735 people, and had 60 locations. The revenue generated from the sale and renewal of a special license plate will expand program choices, fund programs for individuals who have the highest level of need, fund services not currently available, and provide therapy and recreational opportunities.

**Second Tier**

*The Neon Museum*

3. Founded in 1996, the Neon Museum is a nonprofit 501(c)(3) organization dedicated to collecting, exhibiting, preserving, and studying iconic Las Vegas, Nevada, signs for educational, historic, art, and cultural enrichment. Representatives of the Neon Museum indicated the revenue from the sale and renewal of a special license plate will support several activities, including:

- a. Museum tours and an annual storytelling program for students in Title I schools;
- b. Special programming at the museum;
- c. Lectures and panel discussions;
- d. Professional development for educators employed by the Clark County School District;
- e. Junior-interpreter-led tours of the museum;
- f. School and community outreach;
- g. A scholar-in-residence program;
- h. An artist-in-residence program;
- i. Collaborations with other art and cultural organizations; and
- j. Programming targeted for adults age 55 and older.

*Friends of Las Vegas Metropolitan Police*

4. The Las Vegas Metropolitan Police Foundation is a nonprofit 501(c)(3) organization that was established in 1999. The Foundation has two goals: (1) raise funds to support and supplement the Las Vegas Metropolitan Police Department (LVMPD) and create a safer community for all by supporting initiatives that improve and uplift communities, prevent crime, and save lives; and (2) build a stronger relationship between law enforcement and the community, particularly in communities that have historically had less positive experiences with law enforcement. The Foundation is focused on providing training and technology for LVMPD and first responders, community engagement events, and community-oriented policing. The proceeds of the special license plates will continue to grow community engagement events and programs, such as Bolden Little League and Rebuilding Every City Around Peace, as well as fund projects to test and purchase specialized equipment and technology and provide advanced training for officers and staff of LVMPD. Proceeds will also be used to fund the Nevada Joint Training Center, which, when it is completed, will be a cooperative world-class training campus for Nevada's first responders.

*The Ultimate Fighting Championship*

5. The Ultimate Fighting Championship (UFC) is a mixed martial arts organization located in Las Vegas, Nevada. As the first professional sports brand to be headquartered in Nevada, the UFC has been active in the local community for more than two decades. The UFC partners with Nevada-based nonprofit organizations that advocate for youth education, military veterans and active service members, first responders, gender equality, persons fighting to overcome critical illnesses, and persons who have the will to excel despite physical and mental challenges. All proceeds from a special license plate will be used solely to help nonprofit organizations and charitable programs throughout Nevada.

**Committee on Public Lands  
(NRS 218E.510)**

## **LEGISLATIVE COMMITTEE ON PUBLIC LANDS**

*Nevada Revised Statutes 218E.510*

### **Members**

Senator David R. Parks, Chair  
Assemblywoman Heidi Swank, Vice Chair  
Senator Pete Goicoechea  
Senator Ira Hansen  
Senator Melanie Scheible  
Assemblyman Richard (Skip) Daly  
Assemblywoman Alexis Hansen  
Assemblyman Howard Watts III  
Daniel J. Corona, Mayor, City of West Wendover

### **Alternate Members**

Senator Chris Brooks  
Assemblywoman Shannon Bilbray-Axelrod  
Assemblywoman Sandra Jauregui

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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](#) of NRS sets forth the Committee's authority and duties.

The Committee monitors natural resource and public lands matters crucial to the state's economy, lifestyles, and traditions. It considers a wide range of subjects, covering all facets of forest and range science, methods of public land management and oversight, public services, resources associated with public lands, rural infrastructure, and water resources. Because most of Nevada's lands (more than 85 percent) are under federal management, issues associated with public lands are an important topic for the Nevada Legislature.

The Committee held five meetings during the 2019–2020 Interim. In-person meetings took place in Las Vegas, Nevada, and Caliente, Nevada, and three meetings were held virtually.

The Committee received presentations and discussed reports from numerous agencies, individuals, local community representatives, and organizations. Topics and presenters, included, but were not limited to:

- Advancements in water innovation services related to agriculture and mining;
- The Coalition for Healthy Nevada Lands, Wildlife and Free-Roaming Horses;
- The Colorado River Commission of Nevada;
- The Commission on Mineral Resources, Division of Minerals;
- Expansion efforts at the Nellis Air Force Base and the Fallon Range Training Complex;
- The Humboldt-Toiyabe National Forest, U.S. Forest Service, U.S. Department of Agriculture, including several ranger districts and recreation areas;
- Multiple divisions and programs within the State Department of Conservation and Natural Resources, including the Commission on Off-Highway Vehicles, the Division of Environmental Protection, the Division of Outdoor Recreation, the Division of State Parks, the Division of Water Resources, and the Sagebrush Ecosystem Council;
- The Nevada Pinyon-Juniper Partnership;
- The Nevada State Office of the Bureau of Land Management (BLM), United States Department of the Interior, and several BLM district offices;

- The Reno-Sparks Indian Colony and the Las Vegas Paiute Tribe;
- Representatives from Clark, Lincoln, and White Pine Counties;
- School trust lands in Nevada;
- The State of Utah's water banking system; and
- Various water authorities and districts, including the Central Nevada Regional Water Authority, the Lincoln County Water District, the Southern Nevada Water Authority, and the Virgin Valley Water District.

At its final meeting and work session, the Committee approved ten proposals for drafting legislation, six proposals for letters, and one position statement to be included in its final report. The topics addressed at the work session included:

- Legislative Committee on Public Lands;
- Off-highway vehicles;
- Open Meeting Law;
- Public lands, generally;
- School trust lands;
- State water engineer; and
- Wildlife on public lands.

SUMMARY OF RECOMMENDATIONS  
LEGISLATIVE COMMITTEE ON PUBLIC LANDS

*Nevada Revised Statutes (NRS) 218E.510*

This summary presents the recommendations approved by the Legislative Committee on Public Lands at its meeting on September 22, 2020. The bill draft requests (BDRs) will be forwarded to the Legislative Commission for transmittal to the 81<sup>st</sup> Session of the Nevada Legislature.

RECOMMENDATIONS FOR LEGISLATION

1. Draft a bill authorizing a board of county commissioners to establish a groundwater board for areas designated as a groundwater basin by the state engineer. Further, county commissions may appoint members to the groundwater board and a groundwater board may only be dissolved by the board of county commissioners. **(BDR 48–462)**
2. Draft a bill to appoint one tribal member to the Legislative Committee on Public Lands. **(BDR 17–463)**
3. Draft a bill to replace the current off-highway vehicle (OHV) registration system with an annual use decal; require out-of-state OHV users and vehicles registered for street use and modified for off-road riding to acquire an annual sticker; and require all OHV users under 16 years of age to wear a helmet on all types of OHVs. **(BDR 43–464)**
4. Draft a bill to provide an exemption to the Open Meeting Law to allow local governments to engage in deliberative and predecisional nonpublic meetings with federal agencies concerning matters related to the National Environmental Policy Act. **(BDR 19–466)**
5. Draft a bill to list the Spring Valley, Nevada, population of the swamp cedar as a protected species of native flora. **(BDR 47–468)**
6. Draft a resolution urging the federal government to protect certain portions of Spring Valley identified as having cultural and historical importance to Native American tribes in the region. **(BDR R–467)**
7. Draft a resolution supporting land sales and transfers of property owned under the [Recreation and Public Purposes Amendment Act of 1988](#) (H.R. 4362, 100<sup>th</sup> Congress) to local governments and nonprofit agencies where they have constructed and operate public and not-for-profit facilities. **(BDR R–470)**
8. Draft a resolution seeking the transfer of certain federal lands to the State of Nevada for the purpose of supplementing the state’s Permanent School Fund through the addition of school trust lands. **(BDR R–469)**

9. Draft a bill to expand the qualifications for the position of state water engineer to include experience and/or advanced education in geology, hydrology, water resource engineering, and water rights. **(BDR 48–471)**
10. Draft a resolution calling on the United States Congress to provide funding to successfully reduce the number of free-roaming wild horses and burros to appropriate management levels, using nonlethal means, within six years, to protect and restore the health and viability of public lands in Nevada. **(BDR R–465)**

#### RECOMMENDATIONS FOR COMMITTEE ACTION

11. Send a letter to the Division of Forestry, State Department of Conservation and Natural Resources (DCNR), requesting a study of the swamp cedar groves located in Spring Valley, Nevada.
12. Send a letter to the Office of Historic Preservation, DCNR, and the Nevada Natural Heritage Program requesting a review of the historical significance and possible protection of the swamp cedar groves located in Spring Valley.
13. Send a letter expressing the Committee’s support of the Great Basin National Park federal funding requests, particularly funds for maintenance backlogs on public lands, under [H.R. 1957](#) (Great American Outdoors Act) of the 116<sup>th</sup> Congress, introduced by Representative John Lewis (D-Georgia) and enacted on August 4, 2020.
14. Send a letter to the U.S. Forest Service, U.S. Department of Agriculture, and to the Bureau of Land Management (BLM), U.S. Department of the Interior, urging their continued cooperation with state, local, and private land owners to address wildfire in Nevada. Further, request each agency to amplify fire suppression efforts, seek flexible land management options, and increase financial resources available to address the issue.
15. Send a letter to the governor, attorney general (AG), chair of the Senate Committee on Finance, and chair of the Assembly Committee on Ways and Means of the 2021 Legislative Session seeking funds to implement [Senate Bill 456](#) (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.
16. Send a letter urging Nevada’s Congressional Delegation to support the BLM’s 2020 report to Congress to seek the removal of excess horses and burros to appropriate management levels within six years.
17. Include a position statement supporting the expansion of current efforts to implement landscape scale projects utilizing pinyon-juniper woodland biomass in a way that benefits economic stability, energy production, hydrologic function, rangeland health, and wildlife habitat.

**Committee on Senior Citizens, Veterans  
and Adults with Special Needs  
(NRS 218E.750)**

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

*Nevada Revised Statutes 218E.750*

**Members**

Senator Patricia (Pat) Spearman, Chair  
Assemblywoman Shannon Bilbray-Axelrod, Vice Chair  
Senator Joseph (Joe) P. Hardy, M.D.  
Senator Joyce Woodhouse  
Assemblyman John C. Ellison  
Assemblywoman Michelle Gorelow

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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 (NRS) 218E.750*

The Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs is a permanent committee of the Nevada Legislature whose authority and duties are set forth in [NRS 218E.745](#) through [281E.760](#). The Committee is authorized to review, study, and comment on issues relating to senior citizens, veterans, and adults with special needs, including but not limited to:

1. Initiatives to ensure financial and physical wellness;
2. Abuse, exploitation, isolation, and neglect;
3. Public outreach and advocacy;
4. Programs to ensure services are provided in the most appropriate setting;
5. Programs that provide services and care in the home;
6. The availability of useful information and data, as needed, for the state to make effective decisions, plan budgets, and monitor costs and outcomes of services;
7. Laws relating to the appointment of a guardian, including the improvement of investigations relating to guardianships and systems for monitoring guardianships; and
8. The improvement of facilities for long-term care in Nevada.

The Committee held three meetings during the 2019–2020 Interim. Having received a waiver from the Legislative Commission to meet after the August 31, 2020, deadline prescribed by [NRS 218E.755](#), the Committee completed its work on September 1, 2020. The following summarizes the main issues considered at each meeting:

1. On [January 9, 2020](#), the Committee discussed legislation adopted in 2019 concerning services and programs related to senior citizens, senior quality of life issues and health care concerns in Nevada, and affordable housing programs in Nevada.
2. On [June 18, 2020](#), the Committee discussed veterans services and barriers to employment faced by spouses of active-duty servicemembers of the United States Armed Forces.
3. On [September 1, 2020](#), the Committee discussed Nevada’s response to the Coronavirus Disease of 2019 (COVID-19) pandemic, sign language interpreter standards, home- and community-based services programs that address the needs of people with functional limitations, protection for vulnerable adults, and work session recommendations.

The Committee voted to forward eight recommendations as bill draft requests (BDRs) to be considered by the 81<sup>st</sup> Session of the Nevada Legislature. The BDRs concern:

1. Sick leave flexibility;
2. Protection of vulnerable adults against abuse, neglect, and exploitation;
3. Dental programs for veterans;
4. Higher education benefits for veterans;
5. Provisions related to occupational and professional licensing for active members and veterans of the U.S. Armed Forces, as well as their spouses and surviving spouses;
6. A resolution calling on the federal government to address the issue of military spouses' loss of retirement benefits due to relocations;
7. Medicaid coverage for care planning services to individuals with cognitive impairment, including Alzheimer's disease; and
8. Sign language interpreter standards.

In addition, the Committee voted to include a statement of support in its final report and send several letters expressing support for a specific issue or encouraging certain actions.

## SUMMARY OF RECOMMENDATIONS

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

*Nevada Revised Statutes (NRS) 218E.750*

This summary presents the recommendations approved by the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs at its meeting on September 1, 2020. The bill draft requests (BDRs) will be forwarded to the Legislative Commission for transmittal to the 81<sup>st</sup> Session of the Nevada Legislature.

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.

#### RECOMMENDATIONS FOR LEGISLATION

1. The Committee voted to request legislation to require a private employer of fewer than 50 employees that provides sick leave benefits to allow the employees to use such accrued leave, in accordance with company policy, for absences due to illness, injury, medical appointment, or other authorized medical need of a member of the employee's immediate family. This would be a redraft of [Assembly Bills 394](#) and [90](#), which are failed measures from the 2017 and 2019 Sessions, respectively. **(BDR 53–379)**
2. The Committee voted to request legislation to create a Vulnerable Adult Protection Order under [Chapter 33](#) of NRS to protect vulnerable adults against abuse, neglect, and exploitation. **(BDR 3–380)**
3. The Committee voted to request legislation to appropriate State General Funds in the amount of \$250,000 in each fiscal year of the 2021–2023 Biennium to support the Adopt a Vet Dental Program. **(BDR S–381)**
4. The Committee voted to request legislation to:
  - a. Amend subsection 2 of [NRS 396.540](#) to include that tuition charges must not be assessed against a veteran, a spouse, or the dependent of a veteran of the U.S. Armed Forces who is using benefits under the federal Post-9/11 Veterans' Educational Assistance program who became eligible for such benefits on or after January 1, 2013. The provisions of this recommendation would become effective on July 1, 2021.
  - b. Amend subsection 2 of [NRS 396.540](#) to include that tuition charges must not be assessed against all students who are using benefits under the Survivors' and Dependents' Educational Assistance (DEA) program ([38 U.S.C. §§ 3500 through 3566](#)).
  - c. Create an enrollment preference for applicants of a nursing and teaching program at a university, state college, or community college within the Nevada System of Higher Education (NSHE) who are veterans of the U.S. Armed Forces.

- d. Require the Board of Regents of NSHE to develop a database to continue to track, monitor, and analyze the participation of students who are veterans in NSHE as required by Section 2 of [AB 76](#) (2015). By limitation, the report required by AB 76, as codified in [NRS 396.507](#), expired on July 1, 2020. **(BDR 34–382)**

5. The Committee voted to request legislation to:

- a. Require occupational and professional licensing boards, pursuant to Title 54 (“Professions, Occupations and Businesses”) of NRS, to collect data regarding the number of military spouses that apply for, are issued, or are denied a license, certificate, registration, permit, or other similar authorization. The BDR would coincide with [NRS 622.120](#), which requires regulatory bodies to collect information regarding the number of veterans and servicemembers who have applied for, have been issued, or have renewed a license with the regulatory bodies. However, in order to collect accurate data to determine the effect of efforts to improve the interstate licensure process, a regulatory body would need separate military spouse applicant information from those who are current servicemembers or veterans.
- b. Require occupational and professional licensing boards, pursuant to Title 54 of NRS, to post on their website the options available to active members or veterans of the U.S. Armed Forces, as well as their spouses or surviving spouses, for obtaining a license, certificate, registration, permit, or other similar authorization issued by the board.
- c. Require occupational and professional licensing boards, pursuant to Title 54 of NRS—that are not already required to do so—to collect not more than one-half of the fee set forth for the issuance of a license to a spouse of an active member of the U.S. Armed Forces.
- d. Amend the applicable provisions in NRS concerning endorsement and reciprocity to replace the term “may” with “shall” in sections concerning endorsement and reciprocity of a license, certificate, registration, permit, or other similar authorization. Also, provide that denial for good cause is defined as the applicant has been convicted of a crime or engaged in other misconduct determined by the board to be related to the practice of the profession.
- e. Amend chapters within Title 54 of NRS—if not already required to do so—to require occupational and professional licensing boards to issue a license by endorsement or reciprocity to active members or veterans of the U.S. Armed Forces, as well as their spouses or surviving spouses, who hold a valid and unrestricted license to practice a profession in the District of Columbia or any state or territory of the United States, by adding to those chapters or [Chapter 622](#) of NRS a provision similar to [NRS 636.207](#). Also, ensure that the new provisions are mandatory by using the term “shall” throughout.
- f. Amend Title 54 of NRS, for the purpose of endorsement and reciprocity, so that the requirement for fingerprint-based criminal background checks does not apply to active members or veterans of the U.S. Armed Forces or their spouses or surviving spouses.
- g. Require all occupational and professional licensing boards, under Title 54 of NRS, to issue a provisional license immediately after submission of an application by active members or

veterans of the U.S. Armed Forces, as well as their spouses or surviving spouses, who hold a valid and unrestricted license in another jurisdiction. **(BDR –383)**

6. The Committee voted to request legislation to draft a resolution calling on the federal government to address the issue of military spouses' loss of retirement benefits due to frequent relocations by creating a retirement plan that is funded by the Department of Defense Appropriations Act. **(BDR –384)**
7. The Committee voted to request legislation to require the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide Medicaid coverage of Current Procedural Terminology code 99483, which involves care planning services to individuals with cognitive impairment, including Alzheimer's disease. **(BDR 38–385)**
8. The Committee voted to request legislation to amend [Chapter 656A](#) of NRS to update the requirements and qualifications for sign language interpreters to align with the national standards and recommended practices. **(BDR 54–386)**

#### RECOMMENDATIONS FOR COMMITTEE ACTION

9. The Committee voted to include a position statement in its final report calling on Congress to provide additional funding for the United States Postal Service so that senior citizens, veterans, and adults with special needs do not miss delivery of their prescription medications because of Postal Service delays. Any delay with the postal system is a concern because patients may not be able to access the medications they need.
10. The Committee voted to send a letter to the Board of Regents of NSHE expressing the Committee's desire for the creation of a committee made up of leaders of various federal, state, and local government agencies and organizations that work to promote hiring veterans, members of the U.S. Armed Forces, and their spouses to facilitate discussion and collaboration to assist student veterans seeking employment, internships, or other related opportunities that result in job placement.
11. The Committee voted to send a letter to the Board of Regents of NSHE expressing the Committee's desire to include "military veterans" as a special population category within any current goals, policies, and practices on issues related to equity, diversity, and inclusion.
12. The Committee voted to send a letter to the chair of the Nevada Veterans Services Commission (VSC), Department of Veterans Services, requesting that the VSC create a subcommittee tasked to identify the needs of active duty military spouses in Nevada. The subcommittee should study how Nevada can improve military spouse employment matters, including barriers to occupational and professional licensure. Members of the subcommittee should, at a minimum, include representatives of federal, state, and local government agencies and organizations that work to promote employment matters of military spouses, representatives of Nevada's occupational and professional licensing boards, and military spouses that represent a military installation in the State of Nevada and a military installation in another state that has specific nexus to this state.

13. The Committee voted to send a letter to the governor of the State of Nevada, the chairs of the Assembly Committee on Ways and Means and the Senate Committee on Finance of the 81<sup>st</sup> Legislative Session, and the federal Centers for Medicare and Medicaid Services expressing the Committee's support to fund a technology solution to streamline the application and enrollment process for all three home- and community-based waiver services. Streamlining the application and enrollment process is intended to reduce the burden on individuals and their families as well as reduce wait times for essential services that keep vulnerable Nevadans out of skilled nursing facilities.
14. The Committee voted to send a letter to Nevada's federal delegation recommending and expressing support for federal legislation that aligns revenue policies to end the payment of subminimum wages to workers with disabilities.

**Committee for the Review and  
Oversight of the Tahoe Regional  
Planning Agency and the Marlette Lake  
Water System  
(NRS 218E.555)**

**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 Julia Ratti, Chair  
Assemblywoman Sarah Peters, Vice Chair  
Senator Ben Kieckhefer  
Senator David R. Parks  
Assemblywoman Sandra Jauregui  
Assemblyman Al Kramer

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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](#))

## 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*

Nevada's Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency (TRPA) and the Marlette Lake Water System (MLWS) is a permanent committee of the Nevada Legislature whose authorization and duties are set forth in [NRS 218E.550](#) through [218E.570](#). Created in 2003 with the enactment of [Senate Bill 216](#), the Committee provides oversight and review of the activities, budget, programs, and responsiveness of the TRPA and the MLWS.

The Committee held four meetings during the 2019–2020 Interim—one in Carson City, two in the Lake Tahoe Basin, and one virtual meeting. The meetings addressed a variety of activities, issues, and programs pertaining specifically to the TRPA and MLWS and relating generally to the Lake Tahoe Basin. Issues specifically addressed during the meetings included transportation, economic development, environmental health, water quality, and forest health.

The Committee voted to forward four recommendations for legislation to the 81<sup>st</sup> Session of the Nevada Legislature in 2021, addressing the following topics: (1) science and research coordination in the Lake Tahoe Basin; (2) transportation priorities the Lake Tahoe Basin; and (3) the Lake Tahoe Environmental Improvement Program.

More information about the Committee's activities—including minutes, recordings, and copies of presentations and other exhibits—may be accessed on the Committee's [meetings page](#) for the 2019–2020 Interim.

## 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 (MLWS) at its meeting on August 18, 2020. The bill draft requests (BDRs) will be forwarded to the Legislative Commission for transmittal to the 81<sup>st</sup> Session of the Nevada Legislature.

### RECOMMENDATIONS FOR LEGISLATION

1. Request the drafting of a resolution expressing the Nevada Legislature's support for the Nevada System of Higher Education (NSHE) to work collaboratively among its institutions to coordinate all research, science, and other analysis focused on addressing the specific needs of the Lake Tahoe Basin and recommending NSHE enhance coordination and collaborative efforts with the State Department of Conservation and Natural Resources (DCNR) and other state and federal agencies, as appropriate, to strategically align NSHE's science and research efforts with policy goals established by relevant agencies and stakeholders in the Lake Tahoe Basin. **(BDR –364)**
2. Request the drafting of a resolution expressing the priority of the timely completion of the Tahoe East Shore Trail extension project along the State Route 28 National Scenic Byway and urging the United States Congress to provide federal funding for completion. The project extends the SR 28 safety improvements, shared-use path, parking, transit stops, emergency pullouts, visitor amenities, and other environmental, public safety, and recreational improvements from Sand Harbor to Spooner Junction, including bike paths, underground utilities, forest health improvements, facility improvements, and storm water improvements. **(BDR –363)**
3. Request the drafting of a resolution expressing the Nevada Legislature's support for identifying key transportation priorities for the Lake Tahoe Basin to improve resident and visitor safety while protecting and enhancing the ecosystem. In determining key transportation priorities and/or projects, the Legislature supports the continued efforts of the California-Nevada Bi-State Consultation on Transportation working group to collaborate and agree upon a list of transportation priorities/projects for the Lake Tahoe Basin over the next five years and provide this list to the Legislative Committee for the Review and Oversight of the TRPA and the MLWS by its first meeting of the 2021–2022 Interim. The list shall include, at a minimum, an assessment of the projected cost of each project as well as the benefits of each in protecting and enhancing the Lake Tahoe Basin ecosystem. In addition, the list will identify: (1) potential recommendations for funding; and (2) any other barriers to implementing an effective transportation system. **(BDR –365)**

4. Request the drafting of a bill authorizing the release of the next phase of bonds in an amount of \$4 million to continue to implement Nevada's portion of the Lake Tahoe Environmental Improvement Program for the 2021–2023 Biennium. **(BDR –366)**

#### RECOMMENDATIONS FOR COMMITTEE ACTION

5. Send a letter to the federal delegation expressing the Committee's support of Lake Tahoe federal funding requests, particularly funds for maintenance backlogs on public lands, under the federal [Great American Outdoors Act of 2020 \(H.R. 1957, 116<sup>th</sup> Congress\)](#) that was enacted on August 4, 2020.
6. Send a general letter expressing the support of the Committee for grant applications by the State Public Works Division of the Department of Administration seeking funds to enable critical improvements to the MLWS and help ensure its ongoing operation and public safety.
7. Send a letter expressing the support of the Committee for a Building Resilient Infrastructure and Communities mitigation grant application by the State Public Works Division seeking funds for rehabilitation of the MLWS's Hobart Reservoir Dam.

## **Reports of Interim Studies to the Legislative Commission**

**Study Concerning the Costs of  
Prescription Drugs  
(SB 276, 2019)**

**COMMITTEE TO CONDUCT AN INTERIM STUDY CONCERNING  
THE COSTS OF PRESCRIPTION DRUGS**

Senate Bill 276  
(Chapter 324, *Statutes of Nevada 2019*)

**Members**

Senator Yvanna D. Cancela, Chair  
Assemblywoman Shannon Bilbray-Axelrod, Vice Chair  
Senator Joseph (Joe) P. Hardy, M.D.  
Senator Julia Ratti  
Assemblywoman Melissa Hardy  
Assemblywoman Connie Munk

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**Senate Bill 276**  
**(Chapter 324, Statutes of Nevada 2019)**

**Section 25.**

1. The Legislative Commission shall appoint a committee to conduct an interim study concerning the cost of prescription drugs in this State and the impact of rebates, reductions in price and other remuneration from manufacturers on prescription drug prices.
2. The interim committee must be composed of six Legislators as follows:
  - (a) Two members appointed by the Majority Leader of the Senate;
  - (b) Two members appointed by the Speaker of the Assembly;
  - (c) One member appointed by the Minority Leader of the Senate; and
  - (d) One member appointed by the Minority Leader of the Assembly.
3. The Legislative Commission shall appoint a Chair and Vice Chair from among the members of the interim committee.
4. In conducting the study, the interim committee shall consult with and solicit input from persons and organizations with expertise in matters relevant to the costs of prescription drugs and the impact of rebates, reductions in price and other remuneration from manufacturers on prescription drug prices.
5. The interim committee shall study and examine:
  - (a) The overall costs of prescription drugs in this State, including, without limitation, a comparison of those costs with other states;
  - (b) The impact of rebates, reductions in price and other remuneration from manufacturers on the overall costs of prescription drugs in this State; and
  - (c) Opportunities and options for lowering the costs of prescription drugs to make those drugs more affordable for the residents of this State.
6. The Legislative Commission shall submit a report of the results of the study, including any recommendations for legislation to:
  - (a) The Legislative Committee on Health Care; and
  - (b) The Director of the Legislative Counsel Bureau for transmittal to the 81st Session of the Nevada Legislature.
7. As used in this section, “manufacturer” has the meaning ascribed to it in NRS 639.009.

## ABSTRACT

### COMMITTEE TO CONDUCT AN INTERIM STUDY CONCERNING THE COSTS OF PRESCRIPTION DRUGS

Senate Bill 276  
(Chapter 324, *Statutes of Nevada 2019*)

[Senate Bill 276](#), which was passed during the 2019 Legislative Session, directed the Legislative Commission to appoint a committee to conduct an interim study concerning the costs of prescription drugs in Nevada and the impact of rebates, price reductions, and other remuneration from drug manufacturers on prescription drug prices. For the 2019–2020 Legislative Interim, the Commission established the Committee to Conduct an Interim Study Concerning the Costs of Prescription Drugs comprised of six legislators, three from each house.

The Committee held four meetings during the 2019–2020 Interim. The first two meetings were held in the Grant Sawyer State Office Building in Las Vegas, Nevada, with videoconferencing to the Legislative Building in Carson City, Nevada. The last two meetings were conducted in a virtual format due to in-person meeting restrictions caused by the Coronavirus Disease of 2019 (COVID-19) pandemic. Each meeting focused primarily on the following specific areas:

- January 30, 2020—Overview of prescription drug pricing;
- February 28, 2020—Stakeholders’ perspectives on the costs of prescription drugs;
- July 1, 2020—Federal laws and regulations and state policy options; and
- September 9, 2020—Final work session.

This was a multifaceted study regarding the costs of prescription drugs, including the prescription drug supply chain, underlying reasons for the high costs of drugs, current policy interventions on the federal and state levels, and feasible policy options to make drug prices more affordable and transparent to Nevadans. Representatives of Nevada’s Department of Health and Human Services along with various stakeholders with expertise in matters relevant to the cost of prescription drugs provided valuable information and recommendations to the Committee. The complex system of pharmaceutical sales, rebates, and remuneration was thoroughly evaluated, and federal laws and regulations that limit state action were identified and discussed.

The Committee approved recommendations for five bill draft requests to be considered by the 81<sup>st</sup> Session of the Nevada Legislature in 2021 addressing the following topics: (1) establishing intra- and interstate prescription drug purchasing coalitions; (2) providing for the licensure of pharmaceutical sales representatives; (3) expanding pharmaceutical drug pricing transparency; (4) further regulating pharmacy benefit managers; and (5) requiring a certain percentage of health plans offered in Nevada to provide expanded coverage for prescription drugs.

## SUMMARY OF RECOMMENDATIONS

### COMMITTEE TO CONDUCT AN INTERIM STUDY CONCERNING THE COSTS OF PRESCRIPTION DRUGS

Senate Bill 276  
(Chapter 324, *Statutes of Nevada 2019*)

This summary presents the recommendations approved by the Committee to Conduct an Interim Study Concerning the Costs of Prescription Drugs at its meeting on September 9, 2020. The bill draft requests (BDRs) will be forwarded to the Legislative Commission for transmittal to the 81<sup>st</sup> Session of the Nevada Legislature.

#### RECOMMENDATIONS FOR LEGISLATION

1. Propose legislation to allow Nevada's Department of Health and Human Services (DHHS) to establish intra- and interstate purchasing coalitions, which consolidate the purchasing power of agencies within a state or different states to obtain prescription drugs in bulk in order to negotiate lower prices from wholesalers or directly from drug manufacturers. The intrastate purchasing coalition may consolidate purchasing power with any state or local agency with a pharmacy benefit program in a purchasing coalition. Commercial health plan providers are authorized to join an intrastate purchasing coalition as well. The state may also form a new or join an existing interstate purchasing coalition comprised of different states to combine the purchasing power of whole states to purchase pharmaceutical products at lower costs. **(BDR –)**
2. Propose legislation to amend statutes related to the reporting of pharmaceutical sales representatives ([Nevada Revised Statutes \[NRS\] 439B.660](#)) to require DHHS to license representatives who are operating within the state. **(BDR –)**
3. Propose legislation to amend statutes [NRS 439B.600](#) through [439B.695](#) related to the reporting and tracking of information concerning the pricing of asthma and diabetes prescription drugs to:
  - a. Expand [NRS 439B.635](#) and [439B.640](#) to require the manufacturer of any prescription drug which has increased in price as described in subsection 2 of [NRS 439B.630](#), in addition to essential diabetes and asthma medications, to report the information described in those sections;
  - b. Require pharmacy benefit managers (PBMs), wholesale drug distributors, and insurers who cover prescription drugs to report additional information;
  - c. Require the reporting entities to register with DHHS and to be subject to annual assessments by DHHS;
  - d. Amend existing penalties set forth in [NRS 439B.695](#) for failure to provide information;
  - e. Require DHHS to make a report available on its website on emerging trends in prescription drug prices and conduct an annual public hearing based on the report findings; and

- f. Keep all existing definitions in statutes; however, when adding new definitions, use to the extent possible existing definitions in federal law, and, if not available, use the definitions provided in the model legislation. **(BDR –)**
4. Propose legislation to amend statutes related to PBMs to:
- a. Require PBMs operating within the state to obtain a license from DHHS;
  - b. Prohibit PBMs from using spread pricing. Specify that a PBM shall agree to only enter into contracts with third-party payers, such as commercial, governmental, or nonprofit health insurance providers that are fully transparent to the contractual parties, including, but not limited to, the disclosure of all rebates, discounts, product pricing incentives, and fees collected by a PBM. The PBM's only source of income shall be from disclosed administration fees for services. All manufacturer discounts, product pricing incentives, and fees collected by a PBM must be reimbursed to the third-party payer and rebates must be passed down to patients;
  - c. Require a PBM to allow a client—such as a health insurance provider contracting with a PBM to fulfill its prescription drug benefits—full audit rights, including, but not limited to, pharmacy claims, rebates, and similar information needed to assure compliance; and
  - d. Establish a fiduciary responsibility for a PBM to a third-party payer. The benefit of the payer is the primary and sole interest of the fiduciary and any conflict with that role must be disclosed and avoided. **(BDR –)**
5. Propose legislation to require that at least half of the health plans offered by providers in Nevada have:
- a. Prescription drug coverage from the first day with no deductibles;
  - b. Fixed prescription copayments which allow patients to pay a flat-dollar amount per prescription and is not percentage based; and
  - c. Limited copayments of not more than one-twelfth of the patient's annual out-of-pocket spending maximum. **(BDR –)**

**Study Concerning Wildfires  
(ACR 4, 2019)**

## **COMMITTEE TO CONDUCT AN INTERIM STUDY CONCERNING WILDFIRES**

Assembly Concurrent Resolution 4  
(File 46, *Statutes of Nevada 2019*)

### **Members**

Assemblywoman Heidi Swank, Chair  
Senator Melanie Scheible, Vice Chair  
Senator Chris Brooks  
Senator Pete Goicoechea  
Assemblywoman Sarah Peters  
Assemblywoman Robin L. Titus, M.D.

### **Nonvoting Members**

Jackie Conway, Emergency Management Tribal Coordinator,  
Department of Public Safety (Resigned)  
Jon Raby, Nevada State Director, United States Bureau of Land Management

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Assembly Concurrent Resolution 4  
(File 46, *Statutes of Nevada 2019*)

ASSEMBLY CONCURRENT RESOLUTION—Directing the Legislative Commission to appoint a committee to conduct an interim study concerning wildfires.

WHEREAS, There is a growing threat of wildfires throughout the Western United States; and

WHEREAS, The State of Nevada has recently experienced several large and devastating wildfires; and

WHEREAS, A thorough legislative study of issues relating to wildfires is in the interest of the people of this State; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission is hereby directed to appoint as soon as practicable a committee to conduct an interim study concerning wildfires, as described herein, which is composed of:

1. Three members of the Senate, two of whom are appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate;

2. Three members of the Assembly, two of whom are appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly; and

3. Two members approved by the Legislative Commission, consisting of:

(a) One member who is recommended by the Inter-Tribal Council of Nevada, Inc., or its successor organization, to represent tribal governments in Nevada; and

(b) One member who is recommended by the senior United States Senator for Nevada; and be it further

RESOLVED, That the Legislative Commission shall designate one of the members appointed to the committee who is a Legislator to serve as the Chair of the committee; and be it further

RESOLVED, That in performing the study, the committee shall consider, without limitation:

1. Methods of reducing wildfire fuels;

2. Issues related to early responses to wildfires; and

3. The economic impact of wildfires on the State and local communities; and be it further  
RESOLVED, That the committee should consult with and solicit input and recommendations from persons, entities and organizations with expertise in matters relevant to wildfires; and be it further  
RESOLVED, That any recommended legislation proposed by the committee must be:

1. Voted upon only by the members appointed to the committee who are Legislators; and

2. Approved by a majority of the members of the Senate and a majority of the members of the Assembly appointed to the committee; and be it further

RESOLVED, That the Legislative Commission 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 81<sup>st</sup> Session of the Nevada Legislature; and be it further

RESOLVED, That this resolution becomes effective upon passage.

## ABSTRACT

### COMMITTEE TO CONDUCT AN INTERIM STUDY CONCERNING WILDFIRES

Assembly Concurrent Resolution 4  
(File 46, *Statutes of Nevada 2019*)

The Committee to Conduct an Interim Study Concerning Wildfires was created in 2019 by [Assembly Concurrent Resolution 4](#). The Committee was charged with considering methods to reduce wildfire fuels, issues related to early responses to wildfires, and the economic impact of wildfires on state and local communities. The Committee, which consisted of three members of the Senate, three members of the Assembly, and two nonvoting members, met four times. During its final meeting, the Committee took action on forest health and water quality, fuels reductions, recovering certain costs related to wildfires, wildfire management and prevention, wildfire mitigation plans of utilities, and the Wildland-Urban Interface Code.

## SUMMARY OF RECOMMENDATIONS

### COMMITTEE TO CONDUCT AN INTERIM STUDY CONCERNING WILDFIRES

Assembly Concurrent Resolution 4  
(File 46, *Statutes of Nevada 2019*)

This summary presents the recommendations approved by the Committee to Conduct an Interim Study Concerning Wildfires at its meeting on July 2, 2020. The bill draft requests (BDRs) will be forwarded to the Legislative Commission for transmittal to the 81<sup>st</sup> Session of the Nevada Legislature.

#### RECOMMENDATIONS FOR LEGISLATION

1. Request the drafting of a bill to remove restrictions on the classification of noxious weeds related to cheatgrass. **(BDR –108)**
2. Request the drafting of a bill to codify in statute the Wildland Fire Protection Program, the Nevada Network of Fire Adapted Communities Program, and the Nevada Fire Board of Directors and to create insurance incentives for fire-adapted communities. **(BDR –109)**
3. Request the drafting of a bill to authorize public-private partnerships to enhance investment in wildfire prevention, restoration infrastructure, and workforce development for enhancing landscape resilience against the threat of wildfire. **(BDR –110)**
4. Request the drafting of a bill to authorize certain governmental entities to recover certain expenses and costs incurred in extinguishing wildfires. **(BDR –111)**
5. Request the drafting of a resolution to recognize that forest health and water quality are inextricably linked. **(BDR –112)**

#### RECOMMENDATIONS FOR COMMITTEE ACTION

6. Send a letter to the Bureau of Land Management to encourage the consideration of land swap agreements to reduce hazardous fuel loads.
7. Send a letter to the Desert Research Institute to support the study of the potential use of unmanned aircraft systems for wildfire management.
8. Send a letter to California and Nevada utilities encouraging them to coordinate the implementation of their wildfire mitigation plans in the Lake Tahoe Basin.
9. Send a letter to the Nevada state fire marshal to support the adoption of the most current version of the Wildland-Urban Interface Code.

**Study of Issues Relating to Driving  
Under the Influence of Marijuana  
(ACR 7, 2019)**

**COMMITTEE TO CONDUCT AN INTERIM STUDY OF ISSUES RELATING TO  
DRIVING UNDER THE INFLUENCE OF MARIJUANA**

Assembly Concurrent Resolution 7  
(File 48, *Statutes of Nevada 2019*)

**Members**

Assemblyman Steve Yeager, Chair  
Senator Yvanna D. Cancela, Vice Chair  
Senator Scott T. Hammond  
Senator Dallas Harris  
Assemblyman Edgar Flores  
Assemblyman Gregory T. Hafen II

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**Assembly Concurrent Resolution 7**  
**(File 48, Statutes of Nevada 2019)**

ASSEMBLY CONCURRENT RESOLUTION—Directing the Legislative Commission to appoint a committee to conduct an interim study of issues relating to driving under the influence of marijuana.

WHEREAS, It is unlawful for a person to drive while under the influence of marijuana in the State of Nevada; and

WHEREAS, The State of Nevada legalized the medical use of marijuana in 2001 and the recreational use of marijuana in 2016; and

WHEREAS, The legal marijuana industry in the State of Nevada is growing; now, therefore, be it RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission is hereby directed to appoint a committee composed of three members of the Assembly and three members of the Senate, one of whom must be appointed by the Legislative Commission as Chair of the committee, to conduct an interim study of issues relating to driving under the influence of marijuana within the State of Nevada; and be it further RESOLVED, That the interim study must include, without limitation, an examination of:

1. Scientific evidence relating to driving under the influence of marijuana;
2. Data from Nevada and any other state that has legalized the use of marijuana in any capacity on the number of arrests and convictions for driving under the influence of marijuana, including, without limitation, any change in such number after the legalization of the use of marijuana;
3. The approaches other states that have legalized the use of marijuana have taken to address the issue of driving under the influence of marijuana;
4. Any new and existing products, tests and methods to observe or determine a person's level of impairment caused by the use of marijuana at the scene of a vehicle crash or where a police officer stops a vehicle or a convenient place for the administration of an evidentiary test;
5. The existing laws of this State regarding driving under the influence of marijuana and an evaluation of whether those laws should be changed to address issues relating to driving under the influence of marijuana, including, without limitation, whether such laws should differentiate between holders of a valid registration identification card and recreational users of marijuana;
6. How a change in laws regarding driving under the influence of marijuana may impact other laws of this State, including, without limitation, workers' compensation and employment and labor laws; and
7. Any other matters which are deemed relevant to the issue of driving under the influence of marijuana in this State; and be it further

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

RESOLVED, That the Legislative Commission shall submit a report of the results of the study and any recommended legislation to the 81st Session of the Nevada Legislature; and be it further

RESOLVED, That this resolution becomes effective upon passage.

## ABSTRACT

### COMMITTEE TO CONDUCT AN INTERIM STUDY OF ISSUES RELATING TO DRIVING UNDER THE INFLUENCE OF MARIJUANA

Assembly Concurrent Resolution 7  
(File 48, *Statutes of Nevada 2019*)

[Assembly Concurrent Resolution 7](#) (2019) directed the Legislative Commission to appoint an interim committee to conduct a study relating to driving under the influence (DUI) of marijuana. The Committee was required to consider related scientific evidence, arrest and conviction data available from Nevada and other states that have legalized the use of marijuana, approaches taken by other states to address the issue, products and methods used to determine impairment at the roadside, existing relevant Nevada laws, and the impact of changes in laws that may affect employment and labor laws.

Due to the extraordinary circumstances associated with the Coronavirus Disease of 2019 (COVID-19), the Committee held its first and only meeting on [January 17, 2020](#). Several other meeting dates were set, but were ultimately cancelled, either due to COVID-19 or the 31<sup>st</sup> or 32<sup>nd</sup> Special Sessions of the Nevada Legislature. At the meeting, the Committee heard public testimony and received presentations from subject matter experts in the following areas:

- Nevada's law on impaired driving and the per se standard;
- Impaired driving prosecution, defense, investigation, and enforcement;
- Presentations and review of relevant research;
- A proposal to establish a state-level toxicology lab for the purpose of identifying, collecting, and reporting DUI toxicology data;
- Traffic safety data, research, and analysis; and
- Pharmacology and toxicology.

The Committee solicited recommendations from interested parties and posted the information on the [Committee's overview page](#). However, because there was no final meeting or work session for the Committee members to review and vote on the recommendations, there are no bill draft requests to be forwarded to the 81<sup>st</sup> Session of the Nevada Legislature in 2021.

SUMMARY OF RECOMMENDATIONS

**COMMITTEE TO CONDUCT AN INTERIM STUDY OF ISSUES RELATING TO  
DRIVING UNDER THE INFLUENCE OF MARIJUANA**

Assembly Concurrent Resolution 7  
(File 48, *Statutes of Nevada 2019*)

The Committee to Conduct an Interim Study of Issues Relating to Driving Under the Influence of Marijuana did not make any recommendations or propose any legislation for the 2021 Session of the Nevada Legislature.

**Study of Issues Relating to Pretrial  
Release of Defendants in Criminal Cases  
(SCR 11, 2019)**

BULLETIN NO. XX

**COMMITTEE TO CONDUCT AN INTERIM STUDY OF ISSUES RELATING TO  
PRETRIAL RELEASE OF DEFENDANTS IN CRIMINAL CASES**

Senate Concurrent Resolution 11  
(File 50, *Statutes of Nevada 2019*)

**Members**

Senator Dallas Harris, Chair  
Assemblywoman Rochelle Nguyen, Vice Chair  
Senator Scott Hammond  
Senator Melanie Scheible  
Assemblyman Edgar Flores  
Assemblyman Tom Roberts

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**Senate Concurrent Resolution 11**  
**(File 50, Statutes of Nevada 2019)**

**Preamble; appointment of committee by Legislative Commission; membership; duties; report.**

Whereas, The Nevada Constitution and existing Nevada law require all persons arrested for offenses other than murder of the first degree to be admitted to bail unless certain circumstances apply; and

Whereas, It would be beneficial to conduct a thorough examination of issues relating to pretrial release of defendants in criminal cases; now, therefore, be it

Resolved by the Senate of the State of Nevada, the Assembly Concurring, That the Legislative Commission is hereby directed to appoint, as soon as practicable after July 1, 2019, a committee to conduct an interim study relating to pretrial release of defendants in criminal cases; and be it further

Resolved, That the interim committee must be composed of six Legislators selected as follows:

1. Two members of the Senate appointed by the Majority Leader of the Senate;
2. Two members of the Assembly appointed by the Speaker of the Assembly;
3. One member of the Senate appointed by the Minority Leader of the Senate; and
4. One member of the Assembly appointed by the Minority Leader of the Assembly; and

be it further

Resolved, That the study must include, without limitation, an examination of the following issues relating to the pretrial release of defendants in criminal cases:

1. The timeliness and conduct of hearings to consider the pretrial release of defendants;
2. The circumstances under which defendants should be released on their own recognizance;
3. The imposition of monetary bail as a condition of pretrial release and the considerations relating to the setting of the amount of any monetary bail;
4. The imposition of appropriate conditions of pretrial release to ensure reasonably the safety of the community and the appearance of the defendant in court as required;
5. The circumstances under which the conditions of pretrial release of a defendant should be modified;
6. Effects of the statewide implementation of the Nevada Pretrial Risk Assessment tool;
7. The impact of race, gender and economic status as it pertains to the pretrial release of defendants, which must include taking testimony from affected communities and individuals;
8. The fiscal impact of any potential or recommended changes to the laws pertaining to pretrial release of defendants; and
9. Any other relevant matters pertaining to the pretrial release of defendants; and be it further

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

Resolved, That the Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 81st Session of the Nevada Legislature; and be it further

Resolved, That this resolution becomes effective upon passage.

## ABSTRACT

### **COMMITTEE TO CONDUCT AN INTERIM STUDY OF ISSUES RELATING TO PRETRIAL RELEASE OF DEFENDANTS IN CRIMINAL CASES**

Senate Concurrent Resolution 11  
(File 50, *Statutes of Nevada 2019*)

Senate Concurrent Resolution No. 11 (2019) (“S.C.R. 11”) directed the Legislative Commission to appoint the Committee to Conduct an Interim Study of Issues Relating to Pretrial Release of Defendants in Criminal Cases (“Committee”) to examine issues relating to pretrial release in Nevada. Pursuant to S.C.R. 11, the Committee is required to prepare and submit a comprehensive report to the 81st Session of the Nevada Legislature (“81st Session”) which includes the results of the study and any recommendations proposed by the Committee, including any recommendations for the drafting of legislation, recommendations for the drafting of a letter and recommendations for inclusion of a policy statement in the Final Report.

By way of background, the Nevada Constitution and existing Nevada law require all persons arrested for offenses other than murder of the first degree to be offered the opportunity to be released on bail. Such persons may be released with or without bail, and in either circumstance the court may impose additional conditions of release, such as electronic monitoring. The objectives of Nevada’s bail system are to ensure: (1) the safety of the community, including any victim of the crime; and (2) that defendants appear in court. These objectives are balanced against safeguarding the liberty of defendants who remain innocent until proven guilty and minimizing the potentially life-altering disruptions that pretrial detention may bring to defendants, especially when they are held for a prolonged period of time.

Existing law also requires courts to consider various factors in making pretrial custody determinations, including factors such as employment history, length of residence in the community and the nature and seriousness of the crime. In March, 2019, the Supreme Court of Nevada issued an order requiring the statewide adoption, within 18 months, of the Nevada Pretrial Risk Assessment (“NPRA”). Functionally, the NPRA has an 8-question version and a 10-question version, and in both versions the defendant’s answers to the questions are scored to yield a numerical result in which a low value indicates low risk of failure to appear or reoffending.

Moreover, in April, 2020, the Supreme Court of Nevada held: (1) bail set in an amount greater than necessary to ensure the defendant’s appearance and the safety of the community is unconstitutional; (2) an individualized bail hearing must be held within a reasonable time after arrest; and (3) heightened due process requirements apply when bail is set in an amount the defendant cannot afford. Valdez-Jimenez v. Eighth Jud. Dist. Ct., 136 Nev. 155 (2020)

Against this backdrop, the Committee held three substantive meetings and one work session during the 2019-2020 interim. At these meetings the Committee diligently and proficiently addressed each of the duties prescribed in S.C.R. 11. The Committee received formal presentations from

interested stakeholders and national experts and also heard public testimony on a broad range of topics involving pretrial release.

At the substantive meetings, discussion topics included: (1) a presentation by the National Conference of State Legislatures on national trends in bail reform including reform measures enacted in other states; (2) an overview by the Administrative Office of the Courts of pretrial release in Nevada and the NPRA; (3) a presentation by Judge Diana Sullivan on the pretrial release process in Las Vegas Justice Court and relation of statistics of failures to appear for certain misdemeanors in Las Vegas Justice Court; (4) a presentation on the statistics and data used by JFA Institute in developing the NPRA; (5) a presentation on pretrial jail populations by the Las Vegas Metropolitan Police Department and the Washoe County Sheriff's Office, respectively; (6) an overview by the Las Vegas Metropolitan Police Department on the Law Enforcement Assisted Diversion program; (7) presentations on the operation of the bail bond industry by representatives from bail bond firms; (8) presentations on possible reforms from both district attorneys and defense attorneys; (9) presentations on the Valdez-Jimenez case; (10) a presentation by the Nevada Coalition to End Domestic and Sexual Violence on protecting the safety and rights of domestic violence survivors in the pretrial release process; and (11) presentations on the community impacts of pretrial release and detention.

The Committee held a work session on August 17, 2020 to consider nineteen recommendations. Ultimately, the Committee voted to approve eleven recommendations for the drafting of legislation, four recommendations for the drafting of a letter and one recommendation for inclusion of a policy statement in the Final Report. The recommendations for the drafting of legislation will be combined into five bill draft requests.

## SUMMARY OF RECOMMENDATIONS

### COMMITTEE TO CONDUCT AN INTERIM STUDY OF ISSUES RELATING TO PRETRIAL RELEASE OF DEFENDANTS IN CRIMINAL CASES

Senate Concurrent Resolution 11  
(File 50, *Statutes of Nevada 2019*)

The Committee held a final work session on August 17, 2020. At the work session, the Committee considered nineteen total recommendations and voted to approve eleven recommendations (including subparts) for the drafting of legislation which will be combined into five bill draft requests for submittal to the 81st Session, four recommendations for the drafting of a letter and one recommendation to include a policy statement in the Final Report. A summary of each recommendation is identified below:

#### **RECOMMENDATIONS TO DRAFT LEGISLATION**

1. *Revises Provisions Relating to Pretrial Release (BDR 374)*
  - a. Require bail hearings to be conducted within a reasonable time.
  - b. Prohibit standardized bail schedules and require individualized bail hearings.
  - c. Codify that a pretrial custody determination should be made in the following preferential order: (1) release without conditions; (2) release with conditions; (3) detention.
  - d. Create a mechanism which brings a defendant back to court within 24 hours of when the defendant is unable to meet a condition of release.
    - i. Draft a legislative declaration that includes language that: (1) unattainable conditions of release are disfavored; and (2) encourages courts to find ways to keep people out of jail simply because they cannot pay/find attainable conditions of release.
  - e. Require the use of the federal poverty guidelines to determine the ability of a defendant to pay.
  - f. Require the submittal of a financial affidavit by a defendant to aid the court in determining the ability of the defendant to pay.
  - g. Require defendants to be afforded certain procedural protections.
    - i. Require defendant be present at the bail hearing.
    - ii. Require defendant to be afforded counsel.
    - iii. Require the defense to have access to all the records that are in the possession of the State and the court.
    - iv. Authorize defense to present evidence.
    - v. Authorize defense to cross-examine any witnesses.
  - h. Require courts to make specific findings of fact.
    - i. Findings as to why the defendant is being released or detained.
    - ii. Findings as to why any conditions of pretrial release are necessary, including how such conditions relate to the individual defendant.

- iii. With regards to monetary conditions of release:
      - 1. Findings that the court has considered the ability of the defendant to pay.
      - 2. If monetary bail is set in an amount that the defendant cannot pay, findings as to both the necessity and amount of monetary bail imposed by the court.
- 2. *Revises Provisions Relating to Criminal Procedure (BDR 375)*
  - a. Repeal subsection 1 of NRS 178.4851.
  - b. Codify burden of proof on State.
    - i. Require the State to prove by clear and convincing evidence that detention/condition of release is the least restrictive means necessary to ensure community safety and the defendant's return to court.
- 3. *Revises Provisions Relating to Certain Traffic Offenses and Misdemeanors (BDR 376)*
  - a. Require a citation in lieu of arrest for certain non-aggravated (non-aggregated) traffic offenses and certain non-violent misdemeanors.
- 4. *Revises Provisions Relating to Victims of Crime (BDR 377)*
  - a. Create a mechanism allowing the victim or prosecutor to request a protection order in the pretrial release process and to allow the order to be immediately transmitted to law enforcement.
- 5. *Requires the Reporting of Certain Information Relating to Pretrial Release (BDR 378)*
  - a. Require collection and reporting of data relating to pretrial release.
    - i. Data collection should include:
      - 1. Who is in jail and why?
      - 2. How long defendants remain in jail for pretrial detention?
      - 3. What pretrial process are defendants afforded?
      - 4. How pretrial success is measured?
      - 5. Effectiveness of the various pretrial release conditions, such as GPS monitoring and prohibitions on the consumption of alcohol, as they relate to the safety of victims so that victims remain safe during pretrial processes.
    - ii. Make reports available to the public.
    - iii. Require reporting quarterly (4 times per year).
  - b. Require jails to submit reports to courts concerning defendants held on bail of \$2,500 or less for more than 7 days.

### **RECOMMENDATIONS TO DRAFT A LETTER**

- 1. Draft a letter urging the Supreme Court of Nevada to revalidate the NPRA.
- 2. Draft a letter urging the Supreme Court of Nevada to: (1) study racial bias in criminal records in order to determine if racial bias permeates the NPRA; (2) submit a report to the

Legislature concerning racial data correlated to the use of the NPRA; and (3) consider staffing resources and best practices for employees preparing pretrial risk assessments and case work.

3. Draft a letter urging the Supreme Court of Nevada to require the use of a risk assessment tool to assess the domestic violence risk of a defendant.
4. Draft a letter urging the Supreme Court of Nevada to permit electronic alternatives to in-person bail hearings.

#### **RECOMMENDATION TO INCLUDE A POLICY STATEMENT IN FINAL REPORT**

1. Include a policy statement in the final report encouraging education relating to risk factors for victims of domestic and sexual violence.

**Study of Requirements for  
Reapportionment and Redistricting  
(SCR 9, 2019)**

**COMMITTEE TO CONDUCT AN INTERIM STUDY OF THE REQUIREMENTS FOR  
REAPPORTIONMENT AND REDISTRICTING IN THE STATE OF NEVADA**

*Senate Concurrent Resolution 9  
(File 33, Statutes of Nevada 2019)*

**Members**

Senator Joyce Woodhouse, Chair  
Assemblyman Jason Frierson, Vice Chair  
Senator Yvanna D. Cancela  
Senator Nicole J. Cannizzaro  
Senator Heidi Seevers Gansert  
Senator Pete Goicoechea  
Assemblywoman Teresa Benitez-Thompson  
Assemblywoman Sandra Jauregui  
Assemblyman Glen Leavitt  
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*Senate Concurrent Resolution 9*  
*(File 33, Statutes of Nevada 2019)*

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

WHEREAS, The 81st Session of the Nevada Legislature will be required to reapportion and redistrict the election districts for the members of the Legislature, the members of the United States House of Representatives from the State of Nevada and the Board of Regents of the University of Nevada; and

WHEREAS, The Bureau of the Census of the United States Department of Commerce is required to deliver redistricting data from the decennial census in 2020 to the states not later than April 1, 2021, when the Nevada Legislature will already be in session; and

WHEREAS, The amount of data from the census in 2020 and the necessity to accomplish reapportionment and redistricting in an expeditious manner during the 81st Session of the Nevada Legislature will require additional computer software and extensive preparation and testing to allow for the generation and analysis of proposals concerning reapportionment and redistricting; and

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

WHEREAS, The Nevada Legislature has been working with the Bureau of the Census on its 2020 Census Redistricting Data Program and has participated in the Block Boundary Suggestion Project, the Voting District Project and other programs in preparation for the census in 2020 and the subsequent process of reapportionment and redistricting; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Legislative Commission is hereby directed to appoint a committee to conduct an interim study of the requirements for reapportionment and redistricting in this State in conjunction with the data from the decennial census of 2020; and be it further

RESOLVED, That the study include:

1. A continuing examination and monitoring of any redistricting systems established or recommended for use by the Nevada Legislature, including the requirements for computer equipment, computer software and the training of personnel;

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

3. A review of the programs of other states relating to planning for reapportionment and redistricting;

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

5. To the extent practicable, the participation in programs of the Bureau of the Census and the State of Nevada to increase the awareness of the general public concerning the census to ensure a complete and accurate count of all Nevadans in the year 2020; and be it further

RESOLVED, That the Legislative Commission may enter into contracts or other necessary agreements to establish and test reapportionment and redistricting programs and computer equipment to provide for the timely and efficient commencement of data processing for reapportionment and redistricting before the Legislature convenes in 2021; and be it further

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

RESOLVED, That the Legislative Commission report to the 81st Session of the Nevada Legislature the results of the study and any action taken in preparation for and any recommendations concerning reapportionment and redistricting; and be it further

RESOLVED, That this resolution becomes effective upon adoption

## ABSTRACT

### **COMMITTEE TO CONDUCT AN INTERIM STUDY OF THE REQUIREMENTS FOR REAPPORTIONMENT AND REDISTRICTING IN THE STATE OF NEVADA**

*Senate Concurrent Resolution 9  
(File 33, Statutes of Nevada 2019)*

Senate Concurrent Resolution 9 of the 2019 Legislative Session directed the Legislative Commission to study and make recommendations to the 2021 Legislative Session concerning the requirements for reapportionment and redistricting in Nevada in conjunction with the data from the decennial census of 2020. The resolution directs that the study include a continuing examination and monitoring of redistricting systems, including the requirements for computer equipment, computer software, and the training of personnel. In addition, the resolution provides that the study include a review of the case law concerning the legal requirements for redistricting and reapportionment, a review of programs concerning the planning for reapportionment and redistricting, the continuation of the state's participation in the programs of the United States Census Bureau (Census Bureau), and participation in the Census Bureau's program to increase the awareness of the general public concerning the census to ensure a complete and accurate count of all Nevadans in 2020.

The Committee to Conduct an Interim Study of the Requirements for Reapportionment and Redistricting in the State of Nevada held four meetings in 2020 (January, May, August, and October) and heard briefings and presentations on numerous topics, including, but not limited to:

- The general scope and requirements for reapportionment and redistricting;
- Census Bureau and Nevada's Complete Count Committee activities and updates and efforts to promote the 2020 Decennial Census;
- An overview of the legal parameters associated with the reapportionment and redistricting process;
- A review of available computer technology and Geographic Information Systems (GIS) mapping capabilities;
- The use of census geography in redistricting;
- Historical summaries of past reapportionment and redistricting efforts;
- The impacts of redistricting on election procedures and practices, especially those procedures dealing with ballot preparation;
- Public participation in redistricting; and
- The use of election data in the reapportionment and redistricting process.

The Committee approved several recommendations relating to: (1) the selection and purchase of necessary redistricting computer hardware and software; (2) the hiring of additional GIS staff for the 2021 Legislative Session; (3) the selection of an election database to be used during the session for reapportionment and redistricting purposes; (4) a listing of legislative rules and guidelines for reapportionment and redistricting to be included in the Joint Standing Rules of the Senate and Assembly for the 2021 Legislative Session; and (5) the statutory maximum number of active voters permitted in an election precinct.

## SUMMARY OF RECOMMENDATIONS

### COMMITTEE TO CONDUCT AN INTERIM STUDY OF THE REQUIREMENTS FOR REAPPORTIONMENT AND REDISTRICTING IN THE STATE OF NEVADA

*Senate Concurrent Resolution 9*  
(File 33, *Statutes of Nevada 2019*)

This summary presents the recommendations approved by the Committee to Conduct an Interim Study of the Requirements for Reapportionment and Redistricting in the State of Nevada at its meetings on May 27, 2020, and October 20, 2020. The bill draft request (BDR) will be forwarded to the Legislative Commission for transmittal to the 81<sup>st</sup> Session of the Nevada Legislature.

### RECOMMENDATIONS FOR LEGISLATION

1. Draft legislation to amend *Nevada Revised Statutes* 293.207 to increase, from 3,000 to 5,000, the maximum number of active voters permitted in an election precinct. Testimony from local election officials indicated that, in some cases, certain areas of their counties could accommodate precincts with more than 3,000 active registered voters. Moreover, under the new “vote center” model used by Nevada’s counties, the need to “assign” voters to a single precinct/polling location is no longer necessary. They further noted that being able to assign more voters into one precinct would be helpful in avoiding the splitting into multiple precincts certain high-density population areas, such as larger apartment complexes or certain neighborhoods. Finally, it was noted that since the proposed increase sets forth a maximum number of active voters per precinct, jurisdictions (such as rural counties) could continue to create smaller precincts as needed (or leave existing precincts unchanged). (**BDR 24-532**)

### OTHER RECOMMENDATIONS

2. Purchase autoBound redistricting software licenses and the required parallel hardware to assist in the Nevada Legislature’s reapportionment and redistricting GIS activities and establish “public” workstations to be used during the 2021 redistricting exercise;
3. Hire four session-only employees (one assigned to each caucus), who would be based in the Research Division of the Legislative Counsel Bureau in order to assist with GIS support and provide related services for reapportionment and redistricting during the 2021 Legislative Session.
4. Select, for use during the 2021 reapportionment and redistricting exercise, an elections database that includes comprehensive election information from the following competitive elections:
  - a. 2016 General Election contest for President of the United States—Clinton (D) (47.92 percent) vs. Trump (R) (45.5 percent), a 2.42 percent difference;

- b. 2018 General Election contest for Nevada Secretary of State—Cegavske (R) (48.91 percent) vs. Araujo (D) (48.25 percent), a 0.66 percent difference
  - c. 2018 General Election contest for Nevada Attorney General—Ford (D) (47.24 percent) vs. Duncan (R) (46.77 percent), a 0.47 percent difference; and
  - d. 2020 General Election contest for President of the United States—Biden (D) (50.06 percent) vs. Trump (R) (47.67 percent), a 2.39 percent difference.
5. Adopt rules for inclusion in the Joint Standing Rules of the Senate and Assembly for the 2021 Legislative Session addressing:
- a. The responsibility for redistricting measures and approval of research requests;
  - b. Equality of representation for congressional districts, state legislative districts, and the districts of the Board of Regents of the Nevada System of Higher Education;
  - c. The use of a population database for reapportionment and redistricting;
  - d. The use of census geography for district boundaries;
  - e. Procedures for the Senate and Assembly committees tasked with reapportionment and redistricting;
  - f. Compliance with the Voting Rights Act (42 U.S.C. § 1973(a));
  - g. Public participation in the reapportionment and redistricting process;
  - h. The nesting of Assembly districts within Senate districts;
  - i. The use of a database of election data for the purposes of preventing contests between incumbents and performing analyses to ensure compliance with the Voting Rights Act; and
  - j. The drawing of district lines, when possible, that takes into account local government boundaries and districts to minimize the number of ballot “styles” created by local election administrators.

**External Auditor's Communication to  
the Legislative Commission**



December 14, 2020

To the Legislative Commission and Director  
Legislative Counsel Bureau  
Carson City, Nevada

We have audited the financial statements of the governmental activities, the business-type activities and each major fund of the Legislative Counsel Bureau (the Bureau) as of and for the year ended June 30, 2020, and have issued our report thereon dated December 14, 2020. Professional standards require that we advise you of the following matters relating to our audit.

**Our Responsibility in Relation to the Financial Statement Audit under Generally Accepted Auditing Standards and *Government Auditing Standards***

As communicated in our engagement letter dated October 7, 2020, our responsibility, as described by professional standards, is to form and express an opinion about whether the financial statements that have been prepared by management with your oversight are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America. Our audit of the financial statements does not relieve you or management of its respective responsibilities.

Our responsibility, as prescribed by professional standards, is to plan and perform our audit to obtain reasonable, rather than absolute, assurance about whether the financial statements are free of material misstatement. An audit of financial statements includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control over financial reporting. Accordingly, as part of our audit, we considered the internal control of the Bureau solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

We are also responsible for communicating significant matters related to the audit that are, in our professional judgment, relevant to your responsibilities in overseeing the financial reporting process. However, we are not required to design procedures for the purpose of identifying other matters to communicate to you.

**Planned Scope and Timing of the Audit**

We conducted our audit consistent with the planned scope and timing we previously communicated to you.

**Compliance with All Ethics Requirements Regarding Independence**

The engagement team, others in our firm, as appropriate, our firm, and other firms utilized in the engagement, if applicable, have complied with all relevant ethical requirements regarding independence.

**Qualitative Aspects of the Entity's Significant Accounting Practices***Significant Accounting Policies*

Management has the responsibility to select and use appropriate accounting policies. A summary of the significant accounting policies adopted by the Bureau is included in Note A to the financial statements. There have been no initial selection of accounting policies and no changes in significant accounting policies or their application during 2020. No matters have come to our attention that would require us, under professional standards, to inform you about (1) the methods used to account for significant unusual transactions and (2) the effect of significant accounting policies in controversial or emerging areas for which there is a lack of authoritative guidance or consensus.

*Significant Accounting Estimates*

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's current judgments. Those judgments are normally based on knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ markedly from management's current judgments.

The most sensitive accounting estimates affecting the financial statements are liabilities associated with Net Other Post-Employment Benefits (OPEB); and pension contributions, liability, and expense.

Management's estimate of the liabilities associated with the Net OPEB liability is based on third party actuarial valuations. We evaluated the key factors and assumptions used to develop the liabilities associated with OPEB and determined that they are reasonable in relation to the basic financial statements taken as a whole and in relation to the applicable opinion units, and therefore have placed reliance on the work performed by the actuary.

Management's estimate of the pension contributions, liability, and expense is based on an actuarial valuation. The actuarial valuation is calculated based on the employee information submitted by the District to the Public Employees' Retirement System of the State of Nevada (PERS). We evaluated the key factors and assumptions used to develop the estimate of the pension liability and determined that they are reasonable in relation to the basic financial statements taken as a whole and in relation to the applicable opinion units, and therefore have placed reliance on the work performed by the actuary.

*Financial Statement Disclosures*

The financial statement disclosures are neutral, consistent, and clear.

**Significant Difficulties Encountered during the Audit**

We encountered no significant difficulties in dealing with management relating to the performance of the audit.

**Uncorrected and Corrected Misstatements**

For purposes of this communication, professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that we believe are trivial, and communicate them to the appropriate level of management. Further, professional standards require us to also communicate the effect of uncorrected misstatements related to prior periods on the relevant classes of transactions, account balances or disclosures, and the financial statements as a whole. There were no uncorrected or corrected misstatements identified as a result of our audit procedures.

**Disagreements with Management**

For purposes of this letter, professional standards define a disagreement with management as a matter, whether or not resolved to our satisfaction, concerning a financial accounting, reporting, or auditing matter, which could be significant to the the Bureau financial statements or the auditor's report. No such disagreements arose during the course of the audit.

**Representations Requested from Management**

We have requested certain written representations from management that are included in the management representation letter dated December 14, 2020.

**Management's Consultations with Other Accountants**

In some cases, management may decide to consult with other accountants about auditing and accounting matters. Management informed us that, and to our knowledge, there were no consultations with other accountants regarding auditing and accounting matters.

**Other Significant Matters, Findings, or Issues**

In the normal course of our professional association with the Bureau, we generally discuss a variety of matters, including the application of accounting principles and auditing standards, business conditions affecting the entity, and business plans and strategies that may affect the risks of material misstatement. None of the matters discussed resulted in a condition to our retention as the Bureau's auditors.

This report is intended solely for the information and use of the Legislative Commission, Director, and management of the Legislative Counsel Bureau and is not intended to be and should not be used by anyone other than these specified parties.

A handwritten signature in black ink that reads "Eide Bailly LLP". The signature is written in a cursive, flowing style.

Reno, Nevada