

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 81st 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 81st 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 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 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 81st 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 31st or 32nd 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 81st 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

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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)*

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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 81st 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.