

Nev. court deals setback to commerce tax repeal effort

By Michelle Rindels, AP

An effort to repeal the state's new commerce tax suffered a likely fatal setback on Wednesday after the Nevada Supreme Court ruled a petition that's been circulating for several months isn't fit for the ballot.

Justices said in their order that the summary of the measure's effect, which appears on the signature-gathering material, is inadequate because it doesn't tell voters that the measure could unbalance the state budget by tens of millions of dollars. They ordered that signatures collected so far are invalid.

"By ignoring the significant effect the referendum would have on the balanced budget mandate, the description of effect suggests that no such effect exists and is thus materially misleading," Justice Nancy Saitta wrote in concurring with the full court's ruling. "The petition's signers have been both deceived and misled."

The ruling is a major setback for the RIP Commerce Tax group led by Republican Controller Ron Knecht, even though justices sided with his group on some arguments. RIP Commerce Tax had gathered about 20,000 signatures as of early May, and would have to start over again to collect the more than 55,000 signatures needed by June 21 to qualify the referendum for the ballot.

Knecht said he disagreed with the court's assessment that the repeal would unbalance the state budget. He said the Legislature will pass a budget late next spring that can account for the estimated \$60 million that the state wouldn't collect next summer.

“With all due respect, we believe the Nevada Supreme Court’s decision reflects a misunderstanding of the facts about the effect of a commerce tax repeal,” he said in a statement. “We are evaluating our options for clarifying these matters, resolving the court case and getting the required signatures.”

Defenders of the tax said they were pleased with the decision.

“We’ve argued all along that the RIP Commerce Tax petition would have grave and lasting consequences to the State of Nevada,” said Matt Griffin, an attorney for the Coalition for Nevada’s Future, a group funded by casinos and other business groups. “Nevada’s parents and school children can celebrate today’s decision.”

The commerce tax, which applies to businesses that make more than \$4 million each year in Nevada revenue, passed last year as a way to pay for new education initiatives. Opponents said it was a betrayal after voters in 2014 overwhelmingly rejected a margins tax on businesses.

Supporters of the commerce tax were trying to stop the measure before it qualifies for the ballot because it would have consequences whether or not voters pass it. If voters approved the referendum, the tax would be abolished. But if they rejected it, the tax would be frozen in statute until another statewide vote on it.

Commerce tax proponents said that prevents the Legislature from fixing flaws and adjusting rates. Commerce tax foes contend that’s a good thing and would prevent lawmakers from expanding the tax to smaller businesses.

DCSO Explorers earn awards at competition

The Douglas County sheriff's Explorers POST No. 2105 earned first place in DUI investigations, first in written examinations, third in individual female obstacle, third in team obstacle, and fifth place in 10-man team tug-o-war at the Central Valley Law Enforcement Explorer Competition in Tulare County.

The Explorers competed against 24 California law enforcement agencies over the course of two days.

A California Highway Patrol officer told DCSO Explorer advisors that a DUI investigation was handled perfectly by Explorers Chelsea Osborn and Taylee Pickering. He was impressed with their level of knowledge and skill level.

Osborn received a \$900 scholarship and a laptop computer.

Nevada revamps its welcome signs

By Cy Ryan, Las Vegas Sun

CARSON CITY — Nevada's welcome signs that have greeted highway motorists at state-border entry points for about two decades are set for a makeover.

State officials have selected four sign designs by Nevada high school students to be finalists for consideration.

None of the finalist designs features symbols of the gaming industry, the backbone of Nevada's economy.

Read the whole story

Nevada renewing efforts to attract Chinese tourists

By Associated Press

Nevada is renewing its efforts to attract Chinese tourists after shutting down a Beijing tourism office it operated for a decade.

The state Board of Examiners approved a \$396,000, two-year contract on Tuesday with East West Marketing Corp. The company has offices in China and Los Angeles and will develop and maintain a Nevada tourism website in Chinese, handle social media and bring Chinese journalists to tour Nevada.

Nevada had a tourism office in China since 2004, but the board voted last year to close it down and pay out severance costs to three employees there.

State tourism director Claudia Vecchio said at the time that Chinese and Nevadan officials had differences of opinion and wanted to restructure to reflect an evolving Chinese tourism landscape.

Health issues require more LTUSD nurses



The need for school nurses is growing in LTUSD. Photo/Provided

By Kathryn Reed

Twenty-four students with seizures, nine with Type 1 diabetes, two with Type 2, 112 with asthma, 21 with cardiac conditions, 136 with food allergies and of those 45 require epi-pens. Those are some of the issues nurses in Lake Tahoe Unified School District are dealing with on a daily basis.

They handle feeding tubes, catheterization, suctioning, oxygen, AED, nebulizer, diastat (rectal valium), and blood glucose-insulin.

On a recent school day in a matter of an hour a nurse was dealing with a growth on a student's leg that a teacher had noticed (turned out to be benign) and a teacher having a heart attack (that person is fine, had a stent put in).

Just putting a Band-Aid on a scrape would likely be a welcome distraction from the more serious medical conditions.

Margaret McKean, head nurse with the district, on Tuesday told the school board how her staff is seeing an increase in chronic illnesses, as well as social and emotional conditions.

It's impacting what is going on in the classroom.

"It's harder for the teachers to do their jobs," McKean said. That is why the nurses are brought into the fold to help with overall needs assessments for students.

The nursing staff has slowly been increasing to handle the rise in health issues.

The board on May 10 agreed to hire the equivalent of 1.24 full time nurses. This will bring the staff to five. Working with McKean now are Karen Tucker, Jen Drennan and Morgan Kiskinen. They are dispersed throughout the district, though not every school has a nurse on site each day.

To be a school nurse requires having a bachelor's of science in nursing, being a registered nurse and having a school health credential.

Not every child has access to health care outside of what is provided by the school district.

"We are the front line," McKean told *Lake Tahoe News*. "Parents say go see the school nurse."

This is her 34th year in the district, with next year possibly being her last. McKean is at the high school where she says the stress level is higher, but it pays off just being able to help students.

As for why there has been an increase in health issues, McKean said, "It used to be the fetus was the only pure environment. Now there are so many chemicals that it is affecting the auto-immune system."

Better diagnosis also ups the numbers.

There are also the routine issues the nurses have to deal with, like checking on immunizations. Seventh grade is a critical year to ensure everyone is up-to-date. Only 38 percent of the sixth-graders are immunized, so the nurses have a lot of work to do before now and the start of next school year in August.

Nurses also administer hearing and vision screenings. This year 1,353 students had hearing tests, with 15 students not passing. Of the 1,450 eye tests, 335 kids were referred for follow-up checks.

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In other board action:

- South Tahoe High School students Annika Johnson and Sydney Morris were recognized for their winning photographs in the California Streaming Photo contest.
- The board authorized hiring personnel to handle the growing two-way immersion program throughout the district. It will be expanding to STHS in the fall.

Opinion: EDC CAO great at misrepresenting the truth

By Larry Weitzman

On May 3 the El Dorado County CAO's office, directed by CAO Larry Combs, published an article in *Lake Tahoe News* defending the EDC's road maintenance policy claiming that our roads are better maintained and that any problems are due to less funding because the state gasoline tax is down due to lower

oil prices and more fuel efficient cars.



Larry Weitzman

The Comb's directed piece quoted a recent *Los Angeles Times* article saying, "The last month, the California Transportation Commission said the state would cut transportation funding by \$754 million – a 38 percent decrease. Why? Because revenue from the state's levies on gasoline sales, which provide much of that funding, plummeted as gas prices dropped and more fuel-efficient vehicles proliferated. Those falling prices cut the state's gas excise tax revenue from 18 cents a gallon two years ago to 12 cents last year, and revenue is expected to sink to 10 cents in July."

The above statements are absolutely incorrect, and by large numbers. The tracker and collector of gasoline data and sales tax revenue is the state Board of Equalization (BOE). If the California Transportation Commission said they were cutting funding \$754 million, it would mean the prior budget was about \$2 billion.

But first let's go through the facts on the issue and CAO Combs' misrepresentation of the truth. While the California Transportation Commission is cutting funding, it has nothing to do with road maintenance; those funds are for transportation improvements only and not for maintenance. Perhaps a new or improved bus system or new bike paths, but it's not for fixing roads. The CAO's office should have done better research and fact checking, but one must assume that words are intentional and designed to mislead. But it is much

worse.

What the CAO's office didn't tell in an attempt to magnify the problem is that the \$754 million isn't for one year, but the cut will be made over five years. This is an example of an unforgiveable half-truth and this money is divided between all 58 counties, so EDC's portion would be miniscule anyway.

The column then claims that funding has dropped due to plummeting gas prices and less fuel usage. Again, mostly untrue. Lower priced gas does lower the sales tax revenue on gasoline sales. But sales taxes have changed since 2010, when it was 7.5 percent. But effective starting with F/Y 2010, sales tax dropped to 2.25 percent of which only 1.25 percent is for local use. But that same year gasoline excise tax doubled from 18 cents/gallon to 35.3 cents/gallon and over the next five years it gradually has been adjusted upward to reach a peak of 39.5 cents/gallon until this year when it dropped to 36 cents/gallon. Next year it will drop to 27.8 cents/gallon. But the numbers quoted by Combs' office are wrong. He quoted those numbers (18 cents, 12 cents and 10 cents) to make the gas tax cuts from 2014-2015 to look much more dramatic.

A few phone calls to the state Board of Equalization and the California Traffic Commission rendered accurate info and website documents all pointing to the errors of the CAO's office writings to have been done intentionally in the worse-case and gross negligent in the best. Whoever wrote this in Comb's office must have been under extreme pressure from the CAO to create this propaganda and perhaps become the fall guy.

The claim of falling gasoline sales is also a lie. Consumption is climbing steadily with the last year (2014-15) reporting the most gallons of fuel consumed ever with 14.9 billion gallons reported by the BOE. It had been climbing for three years. And this year will exceed that number, according to the BOE.

As to total gasoline excise taxes collected, the numbers speak for themselves. Starting in FY2010, excise taxes collected were \$2.67 billion, but the excise tax was the old fix rate of 18 cents a gallon with a 7.5 percent sales tax. In the next year (10-11) (with just a 2.25 percent sales tax and an excise tax of 35.3 cents/gallon) total revenues from excise tax alone doubled to \$5.20 billion. The following year the tax was adjusted to 35.7 cents/gallon and excise tax revenues went to \$5.22 billion. In FY12-13 at 36 cents/gallon, excise tax revenue fell ever so slightly to \$5.21 billion. The next year (FY13-14) the rate was set at 39.5 cents/gallon and excise tax revenues went beyond projections to \$5.76 billion and last year (14-15) with even higher gasoline sales and a reduced rate of 36 cents/gallon revenues only fell to \$5.37 billion. This year (15-16) the rate is 30 cents/gallon and next year (16-17) projections put the excise at 27.8 cents/gallon.

As to this bogus downturn claimed by the CAO's office being responsible you can see for yourself it is wrong, especially when you cite bogus data from the wrong agency (CTC). The slight downturn was because too much tax was collected the year before, but it was essentially insignificant. The column was also referring to an allocation from the California Transportation Commission that has nothing to do with maintenance. It is for traffic and mass transit improvements. The CTC's most recent allocation was for about \$5.5 million (2014) to do the Highway 50 Placerville, Ray Lawyer Drive onramp and absolutely no road maintenance.

A company, Global Insight, is hired by the BOE to recommend the excise tax year to year and stay within a formula set by the state to attempt to keep revenues constant and not to "overcharge" motorists. That's why revenues went down slightly, by about 6 percent because of the previous year's overcharge (13-14).

All the facts relative to the CAO's office claims about road maintenance were absolutely false and misleading. The county

has known for years that General Fund money was required to supplement road fund money to properly maintain the roads (the No. 2 priority of county residents), and now the CAO has recommended and the BOS agreed to stop using General Fund money for road maintenance. The state of our roads are and will continue going downhill. The claims made by the CAO's office that our roads are better with ratings that are a point above average are untrue. Comparing EDC to other counties is a comparison in mediocrity. Our ratings should be 70 not 62 or 63, and I even question those numbers as to what they mean. On top of that, EDC has over a thousand miles of improved roads not counting Highway 50 and 49 which are not county maintained. The few miles of EDC roads the county claimed to have recently maintained or repaired is a drop in the bucket.

Anyone who drives in EDC knows the conditions of the roads. They are undermaintained and after all the errors of the article, Combs has no credibility. His letter is full of misrepresentation, half-truths and outright misstatements. The BOS should investigate why. Every director, Veerkamp, Mikulaco, Novasel, Frentzen and one term Ranalli should call for a hearing of CAO Combs regarding this column and why. We shall see if there is accountability in EDC. This is exactly what EDC will get from a PIO or spin-doctor. Is that what you want to spend \$150,000 on while our roads decay and our sheriff's department is stripped of \$4 million?

Combs won't even return the sheriff's calls about this new issue. He must be too busy with lobbying for a spin doctor PIO. In another important story about flip-flopping, one-term Ranalli, (as I predicted) on the revote on raising county fees (taxes) about \$1 million annually, changed his vote from no to yes to carry the matter by a 3-2 vote, Mik and Frentzen voting no. One-term Ranalli also voted against road maintenance.

On May 6, supervisor of District 2, Shiva Frentzen, sent an open letter to all BOS members and the CAO and ACAO and others that in order not to violate the Brown Act the BOS needed an

additional item placed on the agenda for a discussion of the options of the CAO's not timely filing with the USDA the loan application the BOS authorized to lock in a 2.875 percent loan rate for the new sheriff's facility. Now that rate is lost it may cause a rate increase to 3.5 percent and will cost EDC about \$10 million over the life of the loan. Will there be accountability? Will the CAO's office even put it on the agenda and try to keep it from the public? Will the CAO hire even a one-time PIO to shield themselves from their egregious mistakes?

Larry Weitzman is a resident of Rescue.

Study: 1 in 3 antibiotics prescribed in U.S. unnecessary

By Lena H. Sun, Washington Post

Nearly a third of antibiotics prescribed in doctors' offices, emergency rooms and hospital-based clinics in the United States are not needed, according to the most in-depth study yet to examine the use and misuse of these life-saving drugs.

The finding, which has implications for antibiotics' diminished efficacy, translates to about 47 million unnecessary prescriptions given out each year across the country to children and adults.

Most of these are for conditions that don't respond to antibiotics, such as colds, sore throats, bronchitis, flu and other viral illnesses.

Read the whole story

Database highlights Nev.'s connection to Panama Papers

By Daniel Rothberg, Las Vegas Sun

One Nevada company was mentioned in a federal indictment of FIFA officials. At least 10 Nevada-registered firms were owned by one of Thailand's wealthiest families, and dozens more have ties to a corruption probe in Brazil, a *USA Today* analysis revealed last month.

They represent a sliver of the more than 1,000 companies created by M.F. Corporate Services, a Nevada entity that forms companies here and is linked to the Panamanian firm at the center of the largest data leak in history. That firm, Mossack Fonseca, reemerged in the news Monday when a group of investigative journalists with access to the documents, dubbed the Panama Papers, published a database of 200,000 offshore entities.

The database published on Monday showed 1,260 entities active in Nevada from the Panama Papers and a previous leak, though only a portion of those companies remain active.

Read the whole story

Snippets about Lake Tahoe



- El Dorado County Fair's theme this year is Cowboys & Carousels. The fair is June 16-19 in Placerville.

- Guests at Squaw Valley-Alpine Meadows donated a little more than \$48,000 in Green Bucks to the Tahoe Fund and the Truckee River Watershed Council. The donation came from dollar donations added to lift tickets, season passes and food and beverage sales during the 2015-16 season.

- El Dorado County Sheriff John D'Agostini has scheduled five town hall style meetings about the proposed sheriff's headquarters, however not one is in the basin.

- Animal Coalition of Tahoe's Bowling Night is May 18 in South Lake Tahoe. For more info, call 530.307.3638.

- Since its inception in 2009, the Gene Upshaw Memorial Fund has raised more than \$1 million for cancer research, patient care and mild traumatic brain injury research and innovation. Since 2009, \$463,544 has been directed specifically for traumatic brain injury research with the Tahoe Institute for Rural Health Research. Most of the money is raised through the Gene Upshaw Memorial Golf Classic in July. Funds have also supported the Gene Upshaw Memorial Tahoe Forest Cancer Center, pancreatic cancer research, Tahoe Forest Hospital Innovations Fund and Hospice programs.

Study: No scientific basis for laws on marijuana and driving

By Joan Lowy, AP

Six states, including Nevada, that allow marijuana use legal tests to determine driving while impaired by the drug that have no scientific basis, according to a study by the nation's largest automobile club that calls for scrapping those laws.

The study commissioned by AAA's safety foundation said it's not possible to set a blood-test threshold for THC, the chemical in marijuana that makes people high, that can reliably determine impairment. Yet the laws in five of the six states automatically presume a driver guilty if that person tests higher than the limit, and not guilty if it's lower.

As a result, drivers who are unsafe may be going free while others may be wrongly convicted, the foundation said.

The foundation recommends replacing the laws with ones that rely on specially trained police officers to determine if a driver is impaired, backed up by a test for the presence of THC rather than a specific threshold. The officers are supposed to screen for dozens of indicators of drug use, from pupil dilation and tongue color to behavior.

The foundation's recommendation to scrap the laws in Colorado, Montana, Nevada, Ohio, Pennsylvania and Washington comes as legislatures in several more states consider adopting similar laws.

At least three states, and possibly as many as eleven, will vote this fall on ballot measures to legalize marijuana for either recreational or medicinal use, or both. Several

legislatures are also considering legalization bills.

“There is understandably a strong desire by both lawmakers and the public to create legal limits for marijuana impairment in the same manner we do alcohol,” said Marshall Doney, AAA’s president and CEO. “In the case of marijuana, this approach is flawed and not supported by scientific research.”

Determining whether someone is impaired by marijuana, as opposed to having simply used the drug at some time, is far more complex than the simple and reliable tests that have been developed for alcohol impairment.

There’s no science that shows drivers become impaired at a specific level of THC in the blood. A lot depends upon the individual. Drivers with relatively high levels of THC in their systems might not be impaired, especially if they are regular users, while others with relatively low levels may be unsafe behind the wheel.

Some drivers may be impaired when they are stopped by police, but by the time their blood is tested they have fallen below the legal threshold because active THC dissipates rapidly. The average time to collect blood from a suspected driver is often more than two hours because taking a blood sample typically requires a warrant and transport to a police station or hospital, the foundation said.

In addition, frequent users of the drug can exhibit persistent levels of the drug long after use, while THC levels can decline more rapidly among occasional users. Nine states, including some that have legalized marijuana for medicinal use, have zero-tolerance laws for driving and marijuana that make not only the presence of THC in a driver’s blood illegal, but also the presence of its metabolites, which can linger for weeks after use.

That makes no sense, said Mark A. R. Kleiman, a New York University professor specializing in issues involving drugs

and criminal policy. "A law against driving with THC in your bloodstream is not a law you can know you are obeying except by never smoking marijuana or never driving," he said.

He said rather than switching to a new kind of law as AAA recommends, states should consider simply making it a traffic violation.

Studies show that using marijuana and driving roughly doubles the risk of a crash, Kleiman said. By comparison, talking on a hands-free cellphone while driving – legal in all states – quadruples crash risk, he said. A blood alcohol content of .12, which is about the median amount in drunken driving cases, increases crash risk by about 15 times, he said.

Driving with "a noisy child in the back of the car" is about as dangerous as using marijuana and driving, Kleiman said.

The exception is when a driver has both been using marijuana and drinking alcohol because the two substances together greatly heighten impairment, he said.

The foundation also released a second study that found the share of drivers in fatal crashes who had recently used marijuana doubled in Washington after the state legalized it for recreational use in December 2012. From 2013 to 2014, the share of drivers who had recently used marijuana rose from 8 percent to 17 percent.

While it stopped short of blaming the crashes on that increase, AAA traffic safety director Jake Nelson said traffic fatalities went up 6 percent in Washington during that same while the fatalities nationally declined.