MINUTES OF THE
LEGISLATIVE COMMISSION
NEVADA LEGISLATIVE COUNSEL BUREAU
***Nevada Revised Statutes* (NRS) 218E.150**

The Legislative Commission held its fourth meeting in Calendar Year 2017 on Thursday, September 21, 2017. The meeting began at 10:41 a.m. in Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada, and was videoconferenced to Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada,.

COMMISSION MEMBERS PRESENT:
Assemblyman Jason Frierson, Chair
Assemblywoman Teresa Benitez-Thompson, Vice Chair
Senator Nicole J. Cannizzaro for Senator Aaron D. Ford
Senator Kelvin D. Atkinson
Senator Moises (Mo) Denis
Senator Patricia Farley
Senator Scott T. Hammond
Senator Ben Kieckhefer
Assemblyman D. Paul Anderson
Assemblywoman Maggie Carlton
Assemblyman Keith Pickard
Assemblyman Jim Wheeler

OTHER LEGISLATORS PRESENT:
Assemblyman Chris Edwards, Assembly District No. 19
Assemblyman Al Kramer, Assembly District No. 40

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:
Rick Combs, Director
Rocky Cooper, Legislative Auditor, Audit Division
Mark Krmpotic, Senate Fiscal Analyst, Fiscal Analysis Division
Cindy Jones, Assembly Fiscal Analyst, Fiscal Analysis Division
Brenda J. Erdoes, Legislative Counsel, Legal Division
Risa B. Lang, Chief Deputy Legislative Counsel, Legal Division
Susan E. Scholley, Research Director, Research Division
Debbie Gleason, Secretary for Minutes, Research Division
Sylvia A. Wiese, Executive Assistant, Director's Office

Items taken out of sequence during the meeting have been placed in agenda order.

AGENDA ITEM I—ROLL CALL

Chair Frierson called the meeting to order.

AGENDA ITEM II—PUBLIC COMMENT

Chair Frierson called for public comment.

Assemblyman Edwards, previously identified, requested the Legislative Commission to direct the Audit Division of the Legislative Counsel Bureau (LCB) to conduct a forensic audit of the Clark County School District (CCSD). The basis of his request is CCSD claimed to have a $100 million shortfall only two months after the 2017 Session ended and the school year had just begun, which made no sense due to categorical funding provided by the Legislature and the 500 vacancies within CCSD. This caused considerable disruption in the schools and the community. He said that just two days prior CCSD reported there is no shortfall. Assemblyman Edwards said he does not trust CCSD's internal auditing capabilities, and there is a lack of transparency with its finances. He argued that taxpayers across the State deserve transparency, which requires an external forensic audit that can accurately inform the people where the school district's finances stand. If there are complexities resulting from the funding formula or time lines of when funds are transferred from the State or federal government, the Audit Division will be able to identify and explain them in understandable terms. He suggested initiating the audit long before Pat Skorkowsky, Superintendent, CCSD, retires.

Lindsey Dalley, resident, Logandale, Nevada, shared that Logandale is a rural community about 60 miles northeast of Las Vegas. He testified that he served on the Moapa Valley Community Education Advisory Board (MVCEAB) for Logandale's four schools for about 15 years and was deeply involved in education reform. Mr. Dalley recounted that the principals of the four schools recently discussed rural school funding with CCSD's chief finance officer (CFO). During the discussion it became apparent that the CFO was charged with defending CCSD's position rather than trying to understand the intent of the law. He said it became clear that the MVCEAB was not going to get an accurate understanding of the finances when top-level officials were more interested in defending their position than finding out what happened. Mr. Dalley stated that is when he decided an independent forensic audit was needed because he did not trust what CCSD was telling MVCEAB. He said he does not trust CCSD's budget numbers, and if the goal is to figure out how to improve education, there needs to be disclosure of how and on what the money is being spent.

Denise Tanata, J.D., Executive Director, Children's Advocacy Alliance, offered her support for R133-15 (Agenda Item V A-2). She said the regulation is a huge step forward in improving the quality of child care in Nevada.

Frances Martin, representing West Career & Technical Academy, implored the Commission to direct a forensic audit of CCSD in an effort to determine the cause of CCSD's shortfall, which is already affecting the Academy's students. The audit is needed in order to reframe education strategies in the new millennium. Without an independent audit, she is of the opinion schools will be in crisis mode for years.

Quinn Cartwright, Project Manager, Nevada Community Health Worker Association (NvCHWA), Dayton, Nevada, requested that the Commission not approve R133-15 (Agenda Item V A-2). The NvCHWA's position is that the regulation could negatively impact the organizations that are most likely to be affected. In addition, NvCHWA disagrees with some of the requirements of community health workers (CHWs) and their organizations, noting they could be burdensome (Agenda Item II A).

Former Senator Warren B. Hardy II, Senate District No. 12, representing the Associated Builders and Contractors, Inc. (ABC), Nevada Chapter, reported for the record that although the ABC is in favor of R122-16 (Agenda Item V A-6), it was concerned the regulation does not have a specific effective date or deadline, which could have an adverse effect on the industry. However, after discussions with Steve Gerleman, Health Facilities Inspection Manager, Bureau of Health Care Quality and Compliance (HCQC), Division of Public and Behavioral Health (DPBH), Department of Health and Human Services (DHHS), and Paul Shubert, Chief, HCQC, DHHS, a resolution was reached whereby it was determined the effective date would be the date of filing of the first licensure application. He stated that this resolved ABC's concern, and he wanted to make it public record in case there were any issues going forward.

Former Assemblyman David M. Gardner, Assembly District No. 9, testified in support of a forensic audit of CCSD. He indicated he has asked the State Board of Education (SBE) to also approve a forensic audit. Based on CCSD's track record over the last couple of years, including after the revenue increases during the 2015 and 2017 Sessions, a forensic audit is needed.

Former Assemblyman Stephen H. Silberkraus, Assembly District No. 29, expressed his support of a forensic audit of CCSD, adding CCSD is incapable of performing an internal audit, and the issues seem to verge on maleficence by CCSD.

Michelle Ayrault, Carson City resident and day care business owner, explained that if R133-15 (Agenda Item V A-2) is approved, the new ratios and age limits would cost her $63,000 per year to hire new employees, or if she could not meet the new ratios, it would cost her $95,000 per year to lower the number of children.

With only 10 to 12 day care businesses in Carson City, Ms. Ayrault expressed concern over where the children would go if displaced, surmising they would go to unlicensed and unmonitored homes without background checks. She indicated the only reason for the change in ratios, which has not been an issue in the past, is due to a block grant received by the State. She shared that at the meeting to discuss the regulation, 90 percent of the small business owners indicated there would be a significant and negative financial impact on day care businesses. Ms. Ayrault asked the Commission to not approve R133-15.

Laura Edmonds, Director, Trinity Lutheran Child Care Center & Kindergarten, expressed concern that the Center could lose $10,000 per month or $133,000 per year if R133-15 (Agenda Item V A-2) is approved, and in some classrooms enrollment would have to be reduced by half. She is concerned over where the displaced children would go, noting Douglas County, Nevada, has a shortage of day care businesses, much like Carson City. In addition, Ms. Edmonds estimates tuition fees would have to increase by 25 percent and, potentially, employees would be laid off. She recommended keeping the proposed ratios but calculating capacity using the current method of measuring the whole school and not each individual classroom.

Trey Delap, representing Group Six Partners, LLC, and Foundation for Recovery, Inc., Las Vegas, Nevada, testified that Group Six has been active in the development of R120-16 (Agenda Item V A-5), but it still is not in agreement with sections of the regulation that depart from legislative intent. He asked that the Commission not approve R120-16 and to consider the concerns expressed by Group Six Partners, LLC (Agenda Item II B).

AGENDA ITEM III—APPROVAL OF MINUTES OF THE JANUARY 27, 2017; MAY 19, 2017; AND JUNE 21, 2017, MEETINGS

MOTION: Assemblyman Pickard moved approval of the minutes of the January 27, May 19, and June 21, 2017, meetings. Senator Denis seconded the motion. The motion carried.

AGENDA ITEM IV—PROGRESS REPORT—LITIGATION CURRENTLY IN PROGRESS

Brenda J. Erdoes, previously identified, provided summary of the following cases currently in progress:

1. *People's Legislature v. Miller*, United States District Court, District of Nevada:

This case involves a challenge of the constitutionality of various aspects of the initiative and referendum process, including the statutory single-subject, description-of-effect, and preelection challenge provisions. The most recent development is that on May 25, 2017, the federal district court dismissed the case,

and the plaintiffs did not appeal the district court's decision. The case is closed.

2. *Little v. State*, First Judicial District Court (Carson City) and Supreme Court of Nevada:

On February 19, 2014, Joseph Becker, Nevada Research Policy Institute, filed a complaint on behalf of plaintiff Michael Little in the First Judicial District Court (Court) for declaratory judgment and injunctive relief challenging the constitutionality of legislation enacted by the Legislature from 2011 through 2013. The most recent developments are: (1) on February 15, 2017, the State district court entered an order finding the plaintiff in contempt of court for failing to comply with the March 2015 order of the Court; (2) the district court entered final judgment in favor of the State on all causes of action and claims for relief; and (3) on March 17, 2017, the plaintiff filed a notice of appeal with the Supreme Court. The parties are in the process of briefing the appeal.

3. *Hansen and Wheeler v. Commission on Ethics*, First Judicial District Court (Carson City) and Nevada Supreme Court:

On January 7, 2014, the LCB provided Assemblyman Wheeler with a written legal opinion that he requested pursuant to NRS 218F.710. On March 5, 2014, identical ethics complaints against Assemblymen Hansen and Wheeler were filed with the Commission on Ethics alleging a violation of the Ethics Law based upon the request for the opinion. On October 1, 2015, the State district court entered an order granting the Assemblymen's petition for judicial review and ordering the Commission to terminate its proceedings regarding the complaint. The most recent developments are: (1) on June 29, 2017, the Nevada Supreme Court issued a published opinion in favor of the two Assemblymen; (2) on August 1, 2017, the Commission on Ethics filed a petition for rehearing with the Supreme Court; and (3) on September 15, 2017, the Legal Division, LCB, filed an answer in opposition to the petition for rehearing on behalf of the Assemblymen. The parties are awaiting the Nevada Supreme Court's decision on the petition for rehearing.

4. *Doe v. State*, Eighth Judicial District Court (Clark County) and Nevada Supreme Court:

On August 13, 2015, plaintiff "John Doe" filed a class-action complaint challenging Nevada's medical marijuana registration program, which establishes the registry of patients and prescribes procedures and fees to apply for and obtain registration cards. On February 5, 2016, the State district court entered an order granting the State summary judgment as a matter of law on all causes of action and claims for relief alleged in the plaintiff's second amended complaint. The most recent developments are: (1) on July 25, 2017, the Nevada Supreme Court affirmed the district court's decision; (2) the Nevada Supreme Court held that the medical

marijuana registry program does not violate the Due Process Clause or Equal Protection Clause of the Fourteenth Amendment or the Self-Incrimination Clause of the Fifth Amendment of the *United States Constitution*; (3) on July 27, 2017, the plaintiff filed a petition for rehearing with the Nevava Supreme Court; and (4) on August 8, 2017, the State filed a motion asking the Nevada Supreme Court to reissue its order of affirmance as a published opinion in the *Nevada Reports*. The parties are awaiting the Nevada Supreme Court's decisions on the petition for rehearing and the motion.

5. *Board of Trustees of the Glazing Health & Welfare Trust v. Chambers*, United States District Court, District of Nevada, and United States Court of Appeals for the Ninth Circuit:

On September 11, 2015, several Employee Retirement Income Security Act of 1974 (ERISA)-governed trusts filed a complaint for declatory relief in the federal district court against the Office of Labor Commissioner, Department of Business and Industry, which is charged by State law with administering Nevada's labor laws. The plaintiffs alleged that Senate Bill 223 (Chapter 345, *Statutes of Nevada 2015*) is preempted in its entirety by federal law. On March 11, 2016, the federal district court entered an order declaring that S.B. 223 is preempted by ERISA. The Labor Commissioner appealed the district court's order to the United States Court of Appeals for the Ninth Circuit, and on September 23, 2016, the parties completed briefing for the appeal. The parties are awaiting the Ninth Circuit to schedule the appeal for oral argument.

6. Report regarding amicus briefs filed by the Legislature:

The next report is regarding amicus briefs the Legislature filed in several of over 100 cases pending before the Nevada State and federal courts in which mortgage lenders have challenged the constitutionality of Nevada's former statutes authorizing homeowners' associations to pursue nonjudicial foreclosure against units to enforce statutory superpriority liens for unpaid dues. In 2015, the Legislature amended the statutes and revised the foreclosure procedures. However, the pending cases involve the validity of the preamendment version of the statutes.

On June 26, 2017, in *Bourne Valley Court Trust v. Wells Fargo Bank, NA*, a panel of the Ninth Circuit, by a 2-1 decision, facially invalidated the preamendment statutes as violating procedural due-process rights. Shortly after the decision of the Ninth Circuit panel, the Nevada Supreme Court decided *Saticoy Bay, LLC v. Wells Fargo Home Mortgage, a Division of Wells Fargo Bank, NA*. In Saticoy Bay, the Nevada Supreme Court disagreed with the Ninth Circuit panel on the State-action issue. Despite the conflict between the Nevada Supreme Court's decision in Saticoy Bay and the Ninth Circuit's decision in Bourne Valley regarding the State-action issue, the Supreme Court of the United States declined to resolve

the conflict over that issue, and it denied the petition for certiorari review in Bourne Valley on June 26, 2017. Given the unresolved conflict between the decisions in Saticoy Bay and Bourne Valley regarding the State-action issue, the federal district court invoked the certification process under Nevada Rule of Appellate Procedure (NRAP) 5 asking the Nevada Supreme Court—as the final arbiter of the meaning of Nevada State law—to determine the State-law question of statutory interpretation regarding the preamendment statutes. The parties are in the process of briefing the certified-question case. As part of that briefing, on July 19, 2017, the Legislature filed an amicus brief with the Nevada Supreme Court regarding the proper statutory interpretation of the preamendment statutes and their facial constitutionality under procedural due process. After briefing is complete, the Nevada Supreme Court will determine whether it will hear oral arguments in the case or whether it will decide the case on the briefs without oral argument.

7. *Degraw v. Eighth Judicial District Court*, Nevada Supreme Court:

On March 2, 2017, the State district court entered an order finding that the legislative continuance statute is "unconstitutional as written." Subsection 2 of NRS 1.310, the legislative continuance statute, allows a legislator who is a practicing attorney to seek continuance of a case in circumstances where a court proceeding conflicts with a legislative session. The most recent developments are: (1) on March 17, 2017, at the request of Assemblyman Pickard, the Legislature filed an amicus brief with the Nevada Supreme Court regarding the proper constitutional and statutory interpretation of the legislative continuance statute; (2) on August 28, 2017, the Nevada Supreme Court ordered the parties to show cause explaining why the Nevada Supreme Court should hear the case in the face of potential mootness given that the 2017 Regular Session adjourned sine die on June 6, 2017; and (3) on September 12, 2017, the Legislature filed an amicus brief with the Nevada Supreme Court arguing that the case should not be dismissed for mootness because it raises legal issues that fall within the exceptions to the mootness doctrine. The parties are awaiting the Nevada Supreme Court's decision on whether to hear the case.

8. *Pharmaceutical Research and Manufacturers of America (PhRMA) v. Sandoval*, United States District Court, District of Nevada:

On September 13, 2017, PhRMA filed a motion for a temporary restraining order and preliminary injunction and requested expedited treatment of the motion. The motion alleged that S.B. 539 (Chapter 592, *Statutes of Nevada 2017*) is unconstitutional. On September 14, 2017, the federal district court entered an order setting an expedited briefing and hearing schedule. Under the expedited schedule, the State defendants must file their response to the motion by September 27, 2017, and the motion will be heard by the district court on October 17, 2017. To properly respond under the expedited schedule, the

LCB Legal Division sought and received direction and authorization of the chair of the Commission, under NRS 218F.720, to participate in the defense of the statute. The Legal Division is currently researching and drafting a response on behalf of the Legislature to defend the constitutionality of S.B. 539.

AGENDA ITEM V—LEGISLATIVE COMMISSION POLICY

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

Please see the attached list of regulations (Agenda Item V A-1) to be considered. The list can also be accessed electronically at http://www.leg.state.nv.us/Register/IndexesRegsReviewed/LCMtg_List_2017_Sept21.pdf.

Chair Frierson asked members to identify regulations they would like held for discussion.

Assemblyman Pickard requested that R133-15, R092-16, R120-16, R121-16, and R134-16 be held for discussion.

There was discussion between Assemblyman Pickard, Chair Frierson, and Brenda J. Erdoes, previously identified, about former Senator Hardy's remarks during public comment regarding the effective date of R122-16. It was established that the clarification was concerning how ABC was going to conduct business and to explain the understanding of the State Contractors' Board, and not about the regulation itself.

Senator Denis requested R031-16 be held for discussion.

MOTION: Assemblywoman Carlton moved approval of R053-16, R056-16, R122-16, R129-16, R139-16, R140-16, R014-17, R015-17, and R017-17. Senator Farley seconded the motion. The motion carried.

Regulation R133-15

A REGULATION relating to health; establishing the requirements governing the licensing and operation of community health worker pools; establishing the qualifications and duties of administrators of such pools; establishing the qualifications and training required of community health workers; establishing the fees that the Division of Public and Behavioral Health of the Department of Health and Human Services will charge for the issuance and renewal of a license to operate a community health worker pool; and providing other matters properly relating thereto (Agenda Item V A-2).

Joe Pollock, Deputy Administrator of Regulatory and Planning Services, DPBH, DHHS, reported the purpose of the regulation is to comply with changes made to Chapter 449 ("Medical Facilities and Other Related Entities") of NRS during the

2015 Session regarding regulatory oversight for a new facility type to ensure protection of recipients of CHW services. He said R133-15 establishes minimum standards and fees for licensure of entities designed to operate CHW pools. Mr. Pollock commented that Paul Shubert, previously identified, is also available to answer questions.

Assemblyman Pickard questioned whether NvCHWA's concerns are valid and whether DHHS has addressed them or whether DHHS thinks NvCHWA'S concerns are unfounded. He also asked what harmful effects, if any, will result by not approving the regulation.

Mr. Shubert indicated DPBH provided the letter from NvCHWA (Agenda Item II A) to DHHS and the State Board of Health (SBH), DPBH, DHHS, during the adoption hearings and individually addressed each concern. As far as the effect of not approving the regulation, he said DPBH would not have the ability to license CHW pools or the organizations and agencies that provide those services, which puts recipients of those services in jeopardy.

Assemblyman Pickard raised NvCHWA's concern regarding creating unnecessary barriers to licensure. He said he was part of a push to streamline protections for licensees within the broader regulatory framework, and one consistent concern was barriers to entry, particularly when it comes to health care and the inadequate supply of providers in Nevada. Assemblyman Pickard stated he wants to ensure licensure barriers are rooted in public safety, not in protectionism of existing facilities or providers, and that the base of providers is being expanded, not restricted. He questioned whether DHHS has considered this or whether it is a concern.

Mr. Shubert pointed out that the regulation includes some responsibilities for CHW-pool administrators, including the requirement for CHWs to obtain credentialing, such as a certain number of hours of coursework and training in cardiopulmonary resuscitation and first aid. It is DPBH's opinion that the cumulative requirements are minimal and do not go above and beyond what would be expected of an agency providing the same type of service. He confirmed for Assemblyman Pickard that the requirements provide a structure for people to become licensed; they do not create barriers.

Assemblywoman Carlton commented that 43 entities did not respond to the small business impact statement. She questioned why there are issues at this point, how long the businesses had to respond, what was the process, and where is the disconnect between the businesses and DPBH.

Mr. Shubert stated the regulation was initiated in December 2015, and there have been plenty of opportunities through multiple workshops for entities to offer suggestions and ideas about the regulation's language. He explained that when

looking at the small business impact it is necessary to look at the entities that are responding and whether they meet the statutory definition of a small business, which is a business that is operated for profit with less than 150 employees. It is that "for profit" piece that, perhaps, excludes some of the entities that would necessarily meet the small business definition. In his opinion, there has been adequate opportunity for entities to come forward and express their concerns.

Mr. Shubert confirmed Assemblywoman Carlton's presumption that the licensure through the State is the same as for any other facility operator—much like that of a nursing home or rehabilitation facility—and that it is not a board type of licensure. In addition, he said the licensure is congruent with home health agencies and nursing pools. Mr. Shubert also confirmed the licensure would be the mechanism used should there be issues with any of the facilities. The workers would be certified and the facilities would be licensed, which would ensure employees are trained and consumers are protected from nonreputable employees.

Chair Frierson questioned whether DPBH's process of providing public notice deviated in any way from its regular practice, to which Mr. Shubert replied the only deviation is that it provided multiple workshops in an effort to provide greater opportunities for entities to express themselves.

Senator Kieckhefer and Mr. Shubert discussed several points related to the regulation.

Mr. Shubert clarified that a license may be issued to an individual as a sole proprietor or to an entity—such as a corporation, limited-liability company, or agency—and that it depends on who is applying. Section 8 of the regulation refers to an administrator of an agency, or the CHW pool in this case, which is the name of the entity that actually goes on the license and performs the day-to-day facility operations. The administrator is the name designated on the license as the administrator; therefore, it is one license. Whenever an administrator leaves an agency, CHW pool, or facility, an application is filed to change the administrator and then the new administrator becomes the name on a new license that DPBH issues, adding there is a process and a fee for that procedure.

Senator Kieckhefer expressed concern that Section 8 indicates a license is issued to a specific person, not to a facility; therefore, there is lack of clarity on the part of the providers' understanding of what that process would be in the absence of that individual at that location.

Mr. Shubert explained it is common language and consistent with how DPBH deals with licensure for all facilities. He reiterated there is a process that allows for entities with a DPBH license to change the administrator, which is in a different section of Chapter 449 ("Medical and Other Related Facilities") of *Nevada*

Administrative Code, but it is explained and describes how those changes occur.

Senator Kieckhefer, pointing out there are several references to training and education, said there is nothing specific in terms of what those courses of study or training might be. He asked how an individual is supposed to determine whether a CHW is adequately trained.

Mr. Shubert replied that DPBH wanted to ensure there was flexibility within the regulations in an effort to not put barriers in place that would require CHWs to obtain training that might not be available throughout the year. Instead, DPBH wanted to indicate that the training would have to be approved by DPBH. Information on training events or curriculum could be provided to DPBH for review and approval, or it would not be approved if DPBH thought the training was not appropriate. He said the intent was to allow a wider variety of topics and courses rather than stringently applying a curriculum.

Vice Chair Benitez-Thompson questioned the regulation's time line and the decision points before the Commission.

Mr. Shubert indicated the next SBH meeting will be in December 2017.

Vice Chair Benitez-Thompson pointed out that the Commission cannot amend regulations; it can only accept, reject, or defer them. In talking with the NvCHWA, it appears there is not a business that would apply for a CHW-pool license with the regulation as written. If the regulation is approved, the industry would not use it. Industry representatives understand that S.B. 498 (Chapter 384, *Statutes of Nevada 2015*) would not be effective, and they would not be able to create pools. She said it appears the industry's best option would be to return during the next legislative session for language clarity, which would result in a new regulation. That would put legislative enactment three to four years out from the pools being created. She questioned the point in adopting the regulation if it was not going to be used, and she suggested that the industry be more entrenched in the process. Vice Chair Benitez-Thompson stated if that is not an accurate understanding of the industry's position, then she welcomes a correction.

Mr. Shubert stressed that while the NvCHWA represents a large portion of the entities that provide CHW services, it is not the only entity. The DPBH has health maintenance organizations, consortiums, and other entity representatives that look forward to this regulation so they can legitimize their operations with regard to providing these services.

Quinn Cartwright, previously identified, stated NvCHWA is against R133-15, and it prefers to move forward with its rejection and subsequently submitting regulations and changes to the legislation during the next legislative session.

Vice Chair Benitez-Thompson questioned who the CHW-pool operators are and what the impact would be if the regulation was not approved, assuming there are individuals and agencies that are in the process of setting up business. She cautioned that everything would come to a standstill if the regulation is not approved.

Ms. Cartwright indicated CHWs are located in community outreach organizations (COOs), clinics, and schools with the largest portion in COOs. The NvCHWA is focusing on COOs because they are the most likely to be impacted by the regulation if approved, but she is unsure of the impact should the regulation not be approved. Ms. Cartwright said some COOs might be looking forward to legitimization through the approval of R133-15, but beyond that "feeling" of legitimacy for the CHW profession, there are no other incentives nor is there a formal or Medicaid reimbursement model for CHWs. Continuing, she stated there is no formal licensure for CHWs in Nevada, and those that are working in the field are there either because they have worked there for a number years or because they have been through one of the three CHW-training programs in Nevada and have obtained a certificate of completion. The regulation, if not approved, would not impact individual CHWs; there just would not be CHW pools.

Vice Chair Benitez-Thompson, referring to the comments from the hearings (Agenda Item V A-2), indicated the industry expressed many concerns including remote work stations. She stated that home health and hospice agencies have one work station, but people are working out in the communities, and having a defined work station does not mean it has to be wherever CHWs are working in the community; it is just a home base. Vice Chair Benitez-Thompson said there was some objection, but in her opinion, it is not objectionable. She suggested there should be a central office with a CHW-designated work station in an office setting, noting CHWs should not be completing their charting in public. Vice Chair Benitez-Thompson also pointed out there were concerns about the 72 hours of training, which were reduced to 30, while noting that is still acceptable. She suggested the issue be resolved when NvCHWA returns to the Legislature next session because it has been two years since the legislation passed. Vice Chair Benitez-Thompson said if the Commission does not approve R133-15, it is nowhere, which is always disappointing.

Ms. Cartwright addressed the work station concerns. She said that when NvCHWA drafted its comments (Agenda Item II A), it was unsure whether there was going to be a single organization that would function as the CHW pool for the entire State or whether each organization was going to be its own CHW pool. The idea was if there was one central CHW pool that administered all CHWs for this State, it would be better to have that remote CHW pool and then it would have its confidential location within the organization under which they work. She stated if that is not how the regulation works out, that is fine; NvCHWA just wants that noted. Ms. Cartwright remarked that the NvCHWA wishes the regulation process

had been clearer and that NvCHWA had been able to get the regulation where it wanted before it came before the Commission. Ms. Cartwright affirmed NvCHWA is prepared to continue advocating for CHWs—and those organizations that employ them—through the next legislative session.

Assemblyman Pickard shared that he thinks licensure is a good idea in an effort to protect vulnerable populations. He said insufficient oversight and licensing of guardianships occupied a great deal of legislative time during the 2017 Session. On the other hand, he said he wants to ensure practitioners are protected. Assemblyman Pickard asked whether the regulation would reduce the number of CHWs in the field, thereby putting people in jeopardy. Assemblyman Pickard also asked why the regulation should not be approved now and then moved forward with legislative attempts to correct it if the NvCHWA is willing to wait until the next legislative session.

Ms. Cartwright agreed that licensure of CHWs is inevitable and is a step forward for the profession. However, she reiterated that with the way the regulation is written the largest population that works within COOs will be impacted the most. The requirement for those COOs to implement the infrastructure and pay for the CHW-pool licensure is going to lead to reduced CHW usage in those communities. She indicated the NvCHWA has already seen where the requirements are having a significant impact, especially in rural communities where CHWs are working. That is why the NvCHWA prefers to wait until the next legislative session rather than implementing the regulation now and subjecting those COOSs to its rules for the next several years while the NvCHWA creates a new bill to address the issues. The NvCHWA believes the issues with the regulation as written would negatively impact businesses and the overall health of COOs where the organizations are located.

Assemblyman Pickard questioned why the COOs waited until now to prepare for the regulation.

Ms. Cartwright pointed out that most of the COOs that employ CHWs only started picking them up within the last year, and the NvCHWA came into being about one year ago. She said there was no central agency to help NvCHWA understand the implications of R133-15. Ms. Cartwright indicated nobody was tracking the regulation before her arrival and when NvCHWA finally found information on R133-15, it got started as soon as possible. She stated that, based on discussions with her colleagues in the industry, some people did get the opportunity to reply to the survey. Some of those who responded speculated their responses were not recorded because they were not eligible for one reason or another. Ms. Cartwright added that the slow uptake of advocacy for better regulation is something the NvCHWA recognizes is an issue. Based on the timeline included in the letters (Agenda Item II A), she said the NvCHWA has been working through the regulation process since March 2017.

Chair Frierson expressed his appreciation of Ms. Cartwright pointing out that the organization is newly formed. He said he was concerned about the implication that there was inadequate notice or effort, but it appears DPBH exceeded its minimum requirements. From a process standpoint, Chair Frierson stated that that did not make it easier for a new group coming together. He said he is reminded of the notion of "allowing the perfect to be the enemy of the good." Chair Frierson said it is obvious there are opportunities to work, but he is concerned that if the regulation is not approved, the bill will essentially be killed. He stated he is not downplaying the expressed concerns, but he is concerned about delaying the regulation. Chair Frierson conveyed he is not sure whether the Commission is satisfied with the understanding of what would happen with respect to the whole process should the regulation be delayed. He asked Vice Chair Benitez-Thompson whether she was satisfied with the answers provided to her previous questions.

Vice Chair Benitez-Thompson remarked there was enthusiasm among legislators during the 2015 Session to have CHWs and regulations. She suggested a motion to defer the regulation until the next Commission meeting in order to allow for additional discussion, considering none of the other options are satisfactory.

Assemblyman Pickard stated he is concerned about the amount of time it has taken to get to this point. He is satisfied DPBH has done a reasonable—if not exemplary—job regarding public noticing and regulation language. Assemblyman Pickard opined that deferring the regulation ultimately pushes toward killing the legislation. He also said he is concerned about public safety, noting if there is no licensure, there is no accountability.

MOTION: Vice Chair Benitez-Thompson moved to defer R133-15 until the next Commission meeting. Senator Denis seconded the motion

Assemblywoman Carlton remarked she supports the regulation but because some members might not have the history and background on the issue, it would only be fair to allow them time to look into it. She stated that due diligence has been done and there are a number of good public safety aspects in the regulation. Although Assemblywoman Carlton is in favor of the deferral, she looks forward to supporting the regulation at the next meeting.

The previous motion made by Vice Chair Benitez-Thompson and seconded by Senator Denis carried. Assemblyman Pickard voted no.

<u>Regulation R031-16</u>

A REGULATION relating to education; prescribing the manner in which scholarships must be awarded pursuant to the Teach Nevada Scholarship Program; prescribing certain requirements for teacher program providers and scholarship recipients; prescribing requirements for certain payments to a teacher program provider if a scholarship recipient graduates on schedule from

the teaching program; prescribing requirements for the repayment of money if a scholarship recipient leaves the teaching program before graduating; and providing other matters properly relating thereto (Agenda Item V A-3).

Senator Denis requested brief historical information regarding the Teach Nevada Scholarship Program (TNSP).

Dena Durish, Deputy Superintendent for Educator Effectiveness and Family Engagement, Department of Education, indicated that legislation for the TNSP was passed and funded in 2015; there were 1,200 teacher vacancies in Nevada at that time. Knowing the regulation process takes time, the SBE met often. She stated there are a limited number of individuals eligible to apply for the TNSP, which includes preapproved teacher prep programs in addition to traditional alternative routes and graduate or undergraduate level programs. Therefore, SBE met with them to discuss the application and its challenges. The funds were awarded in January 2016. Since then, 140 scholarships have been awarded and several teachers have been hired. Concerns were addressed during the regulation process, and other items clarified through policy were also integrated into the application. She reported the teacher program providers and school districts have been engaged throughout the regulation process. In addition to the public meetings, SBE has had several conference calls, which have resulted in many suggestions.

Ms. Durish confirmed for Senator Denis that the regulation will not impact current TNSP recipients. She said S.B. 544 (Chapter 394, *Statutes of Nevada 2017*) includes a revision whereby 25 percent of the scholarship would be held by the SBE instead of an institution for the required five years, after which time the remaining funds would be distributed. Ms. Durish stated that is in keeping with the original legislation to not only attract more teachers but to also retain them. Ms. Durish added there is a provision that allows the SBE to pull back the 25 percent being held for initial recipients. She said the only change for TNSP participants is that after five years of teaching they would request their money from the SBE instead of their institutions, which is in the regulation. Ms. Durish added that S.B. 544 also extends the period from 120 days to 1 year during which TNSP recipients may request their money. She noted the SBE intends to request funding before the Interim Finance Committee (NRS 218E.400) to finance the increased data tracking of several hundred students during the two-year program completion, the five-year period, and the additional year for the 25 percent disbursement.

Assemblywoman Carlton suggested approving R031-16, since S.B. 544 has parameters to work within, and then have the SBE return later with a different regulation.

Ms. Erdoes suggested, with Ms. Durish's approval, that the mistake be corrected as a typographical error, which the Legal Division has the authority to do. In her opinion, that is what happened.

MOTION: Senator Denis moved approval of R031-16. Assemblywoman Carlton seconded the motion. The motion carried.

Regulation R092-16

A REGULATION relating to children; revising certain provisions concerning the required ratio of caregivers to children in certain types of child care facilities; authorizing the Division of Public and Behavioral Health of the Department of Health and Human Services to charge and collect a fee for reasonable costs of investigation of a licensee; requiring persons employed in certain child care facilities and directors of certain child care facilities to obtain training in various subjects relating to child care and safety; making various other changes relating to the standards of operation of certain types of child care facilities; providing additional requirements for certain types of child care facilities; repealing certain provisions relating to the standards of operation of certain types of child care facilities; and providing other matters properly relating thereto (Agenda Item V A-4).

Mr. Pollock shared that R092-16 represents the necessary alignments of child care licensing with mandates set forth by the Child Care and Development Block Grant (CCDBG) Act of 2014. The CCDBG Act was a nationwide mandate for all states to utilize federal funds to finance their child care licensing programs. Necessary amendments were made to the training requirements, school ratios, and group size. Regarding remarks made during public comment about ratios and room size, he reported DPBH has been deeply involved in that discussion for some time. The proposed ratios in the regulation are consistent with national standards; however, DPBH realizes if R092-16 is approved, it will put some facilities in financial jeopardy.

Mr. Pollock stated DPBH met with individuals who approached the Division with their concerns, but many more are expected. The DPBH is prepared to look at each facility individually, and it realizes that it needs to start somewhere with the ratios, noting they will not please everybody. He added that a variance can be requested with any regulation. For example, DPBH would support allowing a facility that has been in existence and shown compliance and safety to continue using its existing ratios. If the regulation is approved, DPBH would ask the SBH to allow it to administratively approve current ratios as a "blanket" variance for existing facilities. Mr. Pollock mentioned the first applicant is already waiting to file a variance application to the regulation for the ratios. That is the approach DPBH has taken, and it can do the same for room sizes.

Assemblyman Pickard questioned the number of child slots that would be lost in the marketplace by adopting the ratios considering the shortage in child care facilities.

Mr. Pollock replied it would be difficult to estimate. Once a variance is filed, DPBH would not take regulatory action against a facility until its variance is heard. If a facility wants to retain the same ratios rather than turn away children, DPBH would be pleased to work with that facility if it has a good safety track record. However, if a facility does not have a good safety track record and a variance is not approved or the facility has to reduce ratios because it does not want to pursue a variance, that would be up to the facility. Like any competitive market, it would be expected that new operators would provide services, but DPBH does not have those numbers because not every facility with concerns has approached DPBH. Based on the facilities with whom DPBH has spoken, a satisfactory conclusion can be made with regard to them using their current ratios as long as they have a proven safety track record.

Assemblyman Pickard pointed out there was not much discussion related to public safety during the regulation hearing nor is there much information on that subject in the regulation materials (Agenda Item V A-4). He said he recognizes the impetus is to ensure appropriate supervision and safety for the children, but he is unaware of an epidemic of problems. Assemblyman Pickard relayed that he is concerned the ratios and sizes would exacerbate the problem with regard to child care facility shortages.

Mr. Pollock reiterated the regulation changes are the result of changes in the CCDBG. He referred to Latisha Brown, Program Manager, Child Care Licensing, DPBH, DHHS, to discuss CCDBG's requirements and the ramifications if the requirements are not met.

Ms. Brown commented that she is not well versed in the CCDBG; the Division of Welfare and Supportive Services maintains the CCDBG for DPBH. She explained that the ratio and group size child care licensing qualifications are the same as those in most other states, and DPBH sees them as acceptable. Ms. Brown said that in talking with the industry, DPBH allowed the capacity; therefore, the industry would not lose children, but rather it would be able to maintain current capacities. She added the only change is ensuring children have the appropriate level of classroom supervision.

Assemblyman Pickard mentioned the drawbacks of adding potentially significant regulatory compliance to child care facilities. He stated facilities might not be equipped to handle the requirements or they might need to raise rates to pay for significant capital improvement costs.

Mr. Shubert shared that most of the child care regulations have been in existence for a considerable period. The DPBH is only looking at modifications to certain regulations, particularly with regard to classroom sizes, ratios, and group sizes, in addition to changes to training requirements. He indicated that new standards are not being "piled up," but rather DPBH is modifying some standards that are already in existence, and it is adding standards to make its regulations more congruent with the CCDBG.

Assemblyman Pickard speculated the regulation is more about protecting the CCDBG rather than public safety.

Mr. Shubert cautioned against characterizing the regulation in those terms and that the DPBH always looks at public safety when it is regulating facilities. He stated he could recant numerous instances when proper supervision resulted in harm or safety issues for children. Mr. Shubert said when developing the regulation, DPBH looked at child safety and not exclusively at maintaining its ability to recuperate funds from the CCDBG; although, that is an important issue when it comes to licensed facilities because that subsidizes DPBH's work. He concluded that child care facilities' licensure fees are much lower than other facilities licensed by DPBH due to federal reimbursement.

Assemblyman Pickard apologized for possibly implying public safety was not at issue. He clarified the main impetus is to protect the CCDBG, and the regulation is not being driven by a public safety concern.

Assemblyman Wheeler asked whether funds from the CCDBG only stay with DPBH or whether the child care facilities receive funds to help defer costs.

Ms. Brown confirmed money from the CCDBG finances a large portion of child care subsidies in Nevada, which are also available to parents. She said the CCDBGs have been awarded to help with classroom materials, the redesign and building of schools, and for tools to make facilities more effective when it comes to the oversight of children.

Senator Hammond surmised that the initial motivation behind the regulation was to acquire more CCDBG money, and there was no significant threat to public safety when the regulation was considered. He said he sees variances as problematic because the facilities are beholden to DPBH to annually report that there is no significant public safety threat. This allows the child care facilities to receive money in order to maintain levels that allow them to stay in business when there had not been problems in the past.

Mr. Pollock explained how a variance would work for child care facilities. A facility owner would request a variance from the SBH, then DPBH would ask the SBH to allow it to administratively grant a variance for similar applicant facilities. If

granted, the variance would typically be good for as long as the person who applied for the variance is operating the business or is still using the variance as approved. Therefore, DPBH would not have to revisit the variance annually. If during one of DPBH's annual inspections it is noticed there is a ratio-related safety issue, it would take appropriate action. The DPBH could possibly revoke the variance if there were safety issues stemming from a lack of child supervision. In that scenario, DPBH would reconsider the variance. If the variance is revoked, the facility could reapply after correcting its issues, which is a good method to address existing facilities that have a proven safety record.

Senator Kieckhefer said he is having difficulty reconciling the ratios and the CCDBG Act because it requires ratios, but it is not explicit as far as what they have to be and yet the ratios in the regulation conform to the intent of the CCDBG Act for block grant purposes. He stated he is troubled that the pitch for the regulation is for precise and mandated changes when the regulation is not a precise and mandated change under the CCDBG Act.

Ms. Brown confirmed that Senator Kieckhefer is correct regarding the CCDBG Act; however, the CCDBG Act also asks for group size, which DPBH never had. In order for DPBH to become compliant, it had to come up with group size as well as ratio and make sure they worked. The ratio numbers DPBH came up with did not vary far from what it already had. She reiterated the CCDBG Act is requiring that a teacher is in the classroom with the children for the number of children allotted for that classroom, which provides for stability and balance within the classroom.

Ms. Brown confirmed for Senator Kieckhefer the issue is DPBH did not have group sizes in regulation; it was not specifically about ratio. Therefore, DPBH chose group sizes because the CCDBG Act does not mandate that. According to DPBH's nationwide research, Nevada is one of the only states without ratio and group size. Therefore, DPBH partnered with other agencies and states to learn from them and then it utilized the numbers it already had to ensure they were good and in the best interest of Nevada.

Senator Kieckhefer commented that during the 2017 Session there was much talk about accessibility and affordability, and the Legislature passed legislation addressing these issues. He said he is concerned R092-16 moves Nevada in the wrong direction. The idea of putting something in regulation and then relying on a variance process to accommodate businesses that are necessary in order to meet the needs of our communities does not seem appropriate. Rather, it is counterintuitive to the reason standards were put in place to begin with, which is something with which he is not comfortable.

Chair Frierson shared that his understanding is DPBH is in compliance, but there is a component that is not, which DPBH is attempting to rectify. He said he is concerned about waiting until a crisis occurs before doing something, and he does

not see any harm in being proactive in becoming compliant. Chair Frierson argued that proposing a change that is not unduly burdensome—one that allows the variance only for those who have a proven safety track record—incorporates flexibility and prevention in a way that protects those who need it most. He said this is a minimal adjustment to help prevent crises and to maintain the ability to acquire proper reimbursements as well as give credit to those who are doing it right.

Vice Chair Benitez-Thompson asked whether there is a variance process or whether DPBH would need to establish one for day care facilities that would fall outside of the new group size.

Mr. Pollock replied that the variance process is already in place and is authorized pursuant to NRS. If a strict application of the regulation would constitute a hardship on a person or facility being regulated, a regulation variance application could be submitted if that person or facility can show that the hardship is unique to them. The variance application that has already been submitted is using ratios or group sizes that do not perfectly match DPBH's regulations, adding that granting the variance would not be detrimental to the public health. If it can be verified that the applicant has a proven safety track record that shows its ratios and group sizes are working, DPBH would recommend to the SBH that it grant the variance, which would likely be approved. Thereafter, DPBH would go one step further to streamline the process and ask the SBH to allow the program to administratively grant variances to similar applicants who have shown a proven safety track record. Mr. Pollock said the process would be clearly defined in the first variance request when DPBH asks the SBH for the "blanket" ability to administratively approve additional variances. There would not be a variance fee, and the requesters would not be required to "jump through hoops" like they would with public notification. The ratios would go into that facility's file as would the fact that it had been granted a variance. When DPBH performs its inspections, it would reverify that the ratios are being met and the children are safe.

Mr. Pollock assured Vice Chair Benitez-Thompson that if the regulation is approved, no regulatory action will be taken on day care facilities where the group numbers do not comply due to the pending variance that is expected to be approved at the next SBH meeting in December 2017.

Vice Chair Benitez-Thompson questioned whether there would be a disruption in service to families. Her primary concern is parents will be forced to temporarily relocate their children to other day cares while their day cares wait for variances.

Mr. Pollock expressed that that is not DBPH's intention. He stated DBPH already has its first variance request, and if the regulation is approved, DBPH plans to instruct its inspections' staff to note in their reports when they see ratios that do not meet the new guidelines. The DPBH would not take regulatory action against

the facilities as long as there were no safety issues directly related to the ratios or group sizes.

Vice Chair Benitez-Thompson asked whether not being in compliance for group size would qualify as a substantiated complaint under Section 6 of R092-16 (Agenda Item V A-4), thereby requiring a facility to pay for the costs associated with an investigation.

Mr. Pollock replied the DPBH would not charge day cares for follow-up inspections with regard to ratios and group size numbers, especially not until the variances are in place.

Senator Kieckhefer questioned how a day care facility can claim to have a unique circumstance in regard to requesting a variance when it is simply not in compliance with the regulation and when there are so many others who are similarly situated.

Mr. Pollock stated child care facilities are different, especially when it comes to house sizes and how many children can be placed in a room. Each facility's operational components are reviewed as is its safety track record, which includes reviewing previous inspection reports. The DPBH is of the opinion that facilities can be treated as unique. He confirmed that from a processing standpoint the fact that a facility is not in compliance with group size and ratios is enough to deem them unique for the purpose of a variance.

Ms. Brown clarified for Assemblyman Pickard that ratios are in statute; however, group sizes are not. The regulation includes both, thereby making DBPH compliant with the CCDBG Act.

Assemblyman Pickard stated that operating by variance is a difficult business model because it means an operation could cease to exist in a relatively short period of time, particularly in areas that are underserved and where choice is limited. He suggested revisiting R092-16 and reconsider how to draft regulations that maintain legislative consistency but do not put people out of business or reduce child slots.

Assemblyman Wheeler asked whether DBPH has spoken with providers in rural areas and how the regulation would affect them. He questioned the practice of operating by variance and pondered the possibility of writing something into regulation with input from facilities in rural areas and counties under 50,000 or 100,000. Assemblyman Wheeler suggested deferring the regulation until the next Commission meeting.

Mr. Shubert stated BPBH would not want to layer the safety aspect of the ratio and group sizes based on a facility's location; it would rather apply the requirements equally across the board. He acknowledged there are a small number of facilities

that would apply for variances, but he recommended continuing with the nationally recognized ratios and group sizes agreed upon with the rest of the facilities.

Assemblywoman Carlton commented she appreciates all of the work that has been done on the regulation, and when she hears "variance," she hears "flexibility," which is often echoed by businesses. She said businesses want to be able to make their case depending on what they are doing. When criteria and licensure are changed, people are often "grandfathered" in and given time to upgrade their skills. This is to ensure services are at a higher level—not to put people out of work. She stated she is comfortable with the earlier discussion about the CCDBG concerning ratios and the dollars going to help the facilities. Assemblywoman Carlton said she is also comfortable in moving forward with the regulation knowing agency reports will be available and the variance procedures will be monitored. The ultimate goal is to ensure children are protected.

MOTION: Assemblywoman Carlton moved approval of R092-16. Senator Denis seconded the motion.

Vice Chair Benitez-Thompson remarked that her comfort level is elevated knowing the goal of the variance is to not displace children. If the regulation is approved, she suggested having DPBH report back to the Commission at the next two meetings regarding the variance and whether there have been disruptions. This will afford the public a place to continue the conversation and to address the concerns of legislators and business owners.

The previous motion made by Assemblywoman Carlton and seconded by Senator Denis carried. Senators Hammond and Kieckhefer and Assemblymen Pickard and Wheeler voted no.

Regulation R120-16

A REGULATION relating to health; establishing the requirements governing the licensing and operation of peer support recovery organizations; establishing the qualifications and duties of administrators of such organizations; establishing the qualifications and training required of persons retained or employed by such organizations to provide peer support services; establishing the fees that the Division of Public and Behavioral Health of the Department of Health and Human Services will charge for the issuance and renewal of a license to operate a peer support recovery organization; and providing other matters properly relating thereto (Agenda Item V A-5).

Assemblyman Pickard asked whether the regulation would reduce the number of available slots for individuals seeking recovery and what effect would that have on recovery opportunities. He perceives the regulation as being restrictive, especially considering the opioid epidemic.

Mr. Shubert responded the regulation would not reduce service availability, but rather it is much like the licensing of CHW entities for providing services, which legitimizes agencies so they can receive reimbursement for services.

Assemblyman Pickard stated the concerns outlined in Trey Delap's letter (Agenda Item II B) are persuasive. More opportunities are needed because the addiction epidemic is growing, and there are additional avenues to treatment. He argued the regulation is restrictive and inflexible, as opposed to allowing the market to provide these services. He asked what significant problem the regulation addresses.

Mr. Shubert replied that 2015 legislation indicated there should be some semiprofessional oversight of services provided to these vulnerable individuals.

Assemblyman Pickard stated he understands the legislation is intended to expand opportunities, but he speculated the regulation would have the opposite effect. He pondered how legislative intent could be met and asked whether DPBH is of the opinion the requirements do not differ from those of other providers.

Mr. Shubert reiterated the requirements are minimal and organizations would not be expected to provide services or infrastructure that is above and beyond that of any other organization that provides this type of service. The requirements would only address services that need training and organizational structure, which would ensure peer-support individuals are qualified.

Assemblyman Pickard argued there are other similar programs that are effective yet they are not being regulated in the same way. Noting that peer support recovery organizations (PSROs) are market-driven and mostly operated on a volunteer basis, he questioned the need for the regulation when the requirements are minimal.

Mr. Shubert responded there are many other programs that provide wonderful services, but the Legislature only asked for regulations for PSROs.

Senator Farley surmised the regulation applies to PSROs that market themselves as providing medical and counseling services in living-type establishments.

Steve Gerleman, previously identified, remarked PSROs are provided by individuals who are already operating out of existing licensed facilities, such as hospitals and detoxification centers that have met the regulatory requirements. Their services are geared toward facilitating people who need to bridge gaps, such as transitioning from incarceration to employment or finding child care, medical services, or legal assistance. Protections are needed for these people because their judgments are clouded by their conditions, and they would be susceptible to people who do not have their best interest at heart.

Senator Farley commented that several "sober living" houses and "new wave" treatment options are surfacing due to the addiction epidemic, noting they are not based on anything specific. Families are purchasing these services assuming the treatments are provided by licensed, qualified professionals. She said that was her concern with the legislation and is her concern with the regulation.

Mr. Shubert affirmed that several facilities exist like the ones Senator Farley described. He stated DPBH either has the ability to view those facilities as unlicensed operations or it does not—as long as they do not meet the statutory definition. The regulation would not address that problem, but it looks at assigning a structure to the service providers who want to assist with the addiction problem.

Senator Kieckhefer shared that he served on the 2015–2016 Interim Legislative Committee on Health Care (NRS 439B.200) that heard the regulation, noting the Committee was not comfortable with it. He referred to a letter (Agenda Item V B) from the former chair of the Committee, Assemblyman James Oscarson, Assembly District No. 36, which outlines some of the Committee's concerns. Senator Kieckhefer mentioned that he reviewed the minutes focusing on what the bill required when the regulation was adopted. He recounted that he was uncomfortable at the time, even though the Committee moved it, and he ended up voting for it. Senator Kieckhefer said he is still uncomfortable with parts of the regulation. Similar to the concern he has with CHW pools structuring and regulating groups of unlicensed people, it seems like an odd place to be. He concluded that he will support the regulation. Although he voted in favor of the legislation and requiring that a regulation be promulgated, he does not particularly like the regulation.

Mr. Pollock indicated that he is surprised these concerns are being brought forth now and contemplated why they were not discussed during the 2017 Session.

MOTION: Assemblywoman Carlton moved approval of R120-16. Senator Denis seconded the motion. The motion carried. Senator Hammond and Assemblymen Pickard and Wheeler voted no.

Regulation R121-16

A REGULATION relating to public health; establishing requirements governing the licensing and operation of recovery centers; establishing the qualifications and duties of an administrator of a recovery center; establishing standards for the construction of a recovery center; imposing certain fees for the issuance and renewal of a license to operate a recovery center; and providing other matters properly relating thereto (Agenda Item V A-6).

Mr. Shubert confirmed Assemblyman Pickard's presumption that DPBH is trying to address recovery centers that are attached to surgical centers but are also separate entities. He also addressed how R121-16 will affect them. Mr. Shubert stated the

DPBH found that in order to license the two recovery centers in southern Nevada, noting there are no recovery centers in northern Nevada, DPBH borrowed regulations from intermediate care facilities (ICFs) and substituted them for licensure of those facilities. However, he said that was not a good match because ICFs' regulations are for long-term care much like those designed for nursing homes. Many of the ICFs licensed by DPBH are operating as long-term care facilities. Therefore, DPBH needed to go to the SBH with several variances for the two facilities it was considering licensing and made changes to three intermediate care regulations such that they would make sense for a short-term stay, for which recovery centers are designed. Regulation 121-16 addresses the out-patient surgical patients who need a facility for 72 hours or less. Establishing safety standards will ensure patients receive proper care and services without having to corrupt the intermediate care facility regulation to accommodate those licensure types.

Assemblyman Pickard asked whether the regulation is geared toward existing facilities in an effort to understand what is going on or will it require them to meet new standards. He recalled previous discussions where there was concern that if recovery centers were licensed the same as hospitals (where patients are typically there for long periods), they would immediately be out of compliance with respect to hallway widths, room access, room size, et cetera.

Mr. Shubert stated the regulation would relax some of the requirements in the intermediate care facility regulation that those licensed facilities had to meet. Some new standards were added to the regulation such as the list of errors and their corrections that DPBH implemented with the SBH. The regulation will not make changes to standards that existing facilities will have to meet.

He confirmed that the administrator of the recovery centers testified to his satisfaction with the regulation and the understanding that it would benefit the facilities.

MOTION: Assemblyman Pickard moved approval of R121-16. Senator Cannizzaro seconded the motion. The motion carried.

Regulation R134-16

A REGULATION relating to abuse of alcohol and drugs; revising a prohibition on the common ownership or operation of an evaluation center program and a treatment program in certain counties; and providing other matters properly relating thereto (Agenda Item V A-7).

Assemblyman Pickard asked why a court would be required to order an evaluation as opposed to allowing it to use discretion.

Kyle Devine, Chief, Bureau of Behavioral Health Wellness and Prevention, DPBH, DHHS, reported that the requirement for the courts to order evaluations is already in statute. If a court finds a person guilty, it is required to refer that person for assessment so he or she can be referred to an appropriate treatment provider. The regulation simply allows for a referral to a tribal health center that can operate both an assessment and treatment center in its community.

MOTION: Assemblyman Pickard moved approval of R134-16. Senator Denis seconded the motion. The motion carried. Chair Frierson, Vice Chair Benitez-Thompson, and Assemblyman Wheeler were not present for the vote.

B. Approval of Resolution Recognizing 106th Anniversary of the Founding of the Republic of China (Taiwan)

Rick Combs, previously identified, drew the Commission's attention to the resolution that recognizes the 106th anniversary of the founding of the Republic of China (Taiwan) (Agenda Item V C) drafted for the Commission's consideration. He explained that each year in advance of October 10, the Commission considers and approves a resolution that is delivered to a Taiwanese official to recognize the close and on-going sister-state relationship between Taiwan and the State of Nevada. Mr. Combs noted that October 10, 2017, will be the 106th anniversary of the founding of the Republic of China (Taiwan).

MOTION: Assemblyman Anderson moved approval of the resolution congratulating Taiwan on the 106th anniversary of the establishment of Taiwan and celebrating the 32nd anniversary of the sister-state relationship between the State of Nevada and Taiwan. Senator Atkinson seconded the motion. The motion carried. Chair Frierson, Vice Chair Benitez-Thompson, and Assemblyman Pickard were not present for the vote.

AGENDA ITEM VI—APPOINTMENTS OF MEMBERS TO COMMITTEES AND APPROVAL OF BUDGETS

Chair Frierson indicated that leadership determined the list of members' names for appointment to the committees, and unless there were questions, the Commission would go through each list.

A. Appointments to Ongoing Statutory Committees:

1. Committee to Consult with the Director (NRS 218E.225) (Agenda Item VI A-1)

MOTION: Assemblywoman Carlton moved approval of the appointments of Senators Kieckhefer, Parks, Settelmeyer, and Spearman and Assembly Members Benitez-Thompson, Frierson, Monroe-Moreno, and Oscarson to the Committee to

Consult with the Director. The motion carried. Vice Chair Benitez-Thompson was not present for the vote.

2. Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency (TRPA) and the Marlette Lake Water System (NRS 218E.555) (Agenda Item VI A-2)

MOTION: Assemblywoman Carlton moved approval of the appointments of Senators Kieckhefer, Parks, and Ratti and Assembly Members Jauregui, Kramer, and Sprinkle to the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System.

After the motion but before a second, Senator Kieckhefer stated that while he enjoyed serving on the TRPA and the Marlette Lake Water System Committee and chairing it in the past, he suggested the appointment of Senator Settelmeyer rather than himself because Senator Settelmeyer has more tenure on the Committee and he would also be a caucus representative.

Chair Frierson said the leadership ordinarily defers to a former chair, but if it is Senator Kieckhefer's desire to decline and allow Senator Settelmeyer to take his place on the Committee, he asked Assemblywoman Carlton whether she would be willing to amend her motion.

MOTION AMENDED: Assemblywoman Carlton moved to amend her motion to substitute Senator Settelmeyer to the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System for Senator Kieckhefer. Senator Denis seconded the motion. The motion carried. Vice Chair Benitez-Thompson was not present for the vote.

3. Legislative Committee on Child Welfare and Juvenile Justice (NRS 218E.705) (Agenda Item VI A-3)

MOTION: Assemblywoman Carlton moved approval of the appointments of Senators Farley, Goicoechea, and Segerblom and Assembly Members Fumo, Hambrick, and Monroe-Moreno to the Legislative Committee on Child Welfare and Juvenile Justice. The motion carried. Vice Chair Benitez-Thompson was not present for the vote.

4. Legislative Committee on Health Care (NRS 439B.200) (Agenda Item VI A-4)

MOTION: Assemblywoman Carlton moved approval of the appointments of Senators Ratti, Spearman, and Woodhouse and Assembly Members Oscarson, Spiegel, and Sprinkle to the Legislative Committee on Health Care. Senator Cannizzaro seconded the motion. The motion carried. Vice Chair Benitez-Thompson was not present for the vote.

5. Legislative Committee on Public Lands (NRS 218E.510) (Agenda Item VI A-5)

MOTION: Assemblyman Wheeler moved approval of the appointments of Senators Goicoechea, Gustavson, Parks, and Ratti and Assembly Members Ellison, Kramer, McCurdy II, and Swank to the Legislative Committee on Public Lands and the nomination of Debra March, Mayor, City of Henderson, Nevada for elected officer representing the governing body of a local political subdivision. Senator Farley seconded the motion. The motion carried. Vice Chair Benitez-Thompson was not present for the vote.

B. Appointments to Interim Studies:

1. Committee to Conduct an Interim Study Relating to Affordable Housing (Senate Concurrent Resolution No. 1 [File No. 40, *Statutes of Nevada* 2017]) (Agenda Item VI A-6)

MOTION: Senator Farley moved approval of the appointments of Senators Cancela, Kieckhefer, and Ratti and Assembly Members Flores, Jauregui, and Thompson to the Committee to Conduct an Interim Study Relating to Affordable Housing. Assemblywoman Carlton seconded the motion. The motion carried. Vice Chair Benitez-Thompson was not present for the vote.

2. Committee to Conduct an Interim Study Concerning the Advisability and Feasibility of Treating Certain Traffic and Related Violations as Civil Infractions (Assembly Concurrent Resolution No. 9 [File No. 41, *Statutes of Nevada* 2017]) (Agenda Item VI A-7)

MOTION: Assemblywoman Carlton moved approval of the appointments of Senators Atkinson, Gustavson, and Segerblom and Assembly Members Ellison, Neal, and Yeager to the Committee to Conduct an Interim Study Concerning the Advisability and Feasibility of Treating Certain Traffic and Related Violations as Civil Infractions. Senator Denis seconded the motion. The motion carried. Vice Chair Benitez-Thompson was not present for the vote.

C. Appointments to Nonlegislative Committees:

1. Nevada Commission on Aging (NRS 427A.032) (Agenda Item VI A-8)

MOTION: Assemblywoman Carlton moved approval of the appointments of Senator Harris and Assemblywoman Spiegel to the Nevada Commission on Aging. Senator Denis seconded the motion. The motion carried. Vice Chair Benitez-Thompson was not present for the vote.

2. State Council for the Coordination of the Interstate Compact on Educational Opportunity for Military Children (NRS 388F.020) (Agenda Item VI A-9)

MOTION: Assemblywoman Carlton moved approval of the appointment of Assemblywoman Cohen to the State Council for the Coordination of the Interstate Compact on Educational Opportunity for Military Children. Senator Denis seconded the motion. The motion carried. Vice Chair Benitez-Thompson was not present for the vote.

3. Task Force on Alzheimer's Disease (NRS 439.5083 and S.B. 92 [Chapter 7, *Statutes of Nevada 2017*]) (Agenda Item VI A-10)

MOTION: Assemblywoman Carlton moved approval of the appointments of Senator Hardy and Assemblywoman Cohen to the Task Force on Alzheimer's Disease. Senator Denis seconded the motion. The motion carried. Vice Chair Benitez-Thompson was not present for the vote.

4. Advisory Council on the State Program for Wellness and the Prevention of Chronic Disease (NRS 439.518) (Agenda Item VI A-11)

MOTION: Assemblywoman Carlton moved approval of the appointments of Senator Woodhouse and Assemblywoman Joiner to the Advisory Council on the State Program for Wellness and the Prevention of Chronic Disease. Senator Denis seconded the motion. The motion carried. Vice Chair Benitez-Thompson was not present for the vote.

5. Regional Behavioral Health Policy Boards (Assembly Bill 366 [Chapter 479, *Statutes of Nevada 2017*]) (Agenda Item VI A-12)

MOTION: Senator Denis moved approval of the appointments of Senators Goicochea and Ratti and Assembly Members Yeager and Titus to the Regional Behavioral Health Policy Boards. Assemblywoman Carlton seconded the motion. The motion carried. Vice Chair Benitez-Thompson was not present for the vote.

6. Advisory Task Force on School Leader Management (S.B. 497 [Chapter 530, *Statutes of Nevada 2017*]) (Agenda Item VI A-13)

MOTION: Assemblywoman Carlton moved approval of the appointments of Michael Carico and Shaundell Newsome to the Advisory Task Force on School Leader Management. Senator Denis seconded the motion. The motion carried. Vice Chair Benitez-Thompson was not present for the vote.

7. Advisory Committee for the Office of Minority Health and Equity (NRS 232.474) and Assembly Bill 141 (Chapter 377, *Statutes of Nevada 2017*) (Agenda Item VI A-14)

MOTION: Assemblywoman Carlton moved approval of the appointment of Assemblyman Thompson to the Advisory Committee for the Office of Minority Health and Equity. Senator Farley seconded the motion. The motion carried. Vice Chair Benitez-Thompson was not present for the vote.

8. Nevada Silver Haired Legislative Forum (NRS 427A.320) (Agenda Item VI A-15)

Rick Combs, previously identified, explained that each Senator, with consultation from the Assembly Members in their Senate district, makes a recommendation to the Commission for membership. From Senate District No. 10, Senator Cancela has recommended that Fran Almaraz be appointed to the Nevada Silver Haired Legislative Forum.

MOTION: Assemblywoman Carlton moved approval of the appointment of Fran Almaraz to the Nevada Silver Haired Legislative Forum. Senator Farley seconded the motion. The motion carried. Vice Chair Benitez-Thompson was not present for the vote.

9. National Conference of Commissioners on Uniform State Laws (NRS 219.020) (Agenda Item VI A-16)

MOTION: Assemblywoman Carlton moved approval of the appointment of Assemblywoman Cohen to the National Conference of Commissioners on Uniform State Laws. Senator Hammond seconded the motion.

Chair Frierson clarified for Senator Kieckhefer that appointments to the National Conference of Commissioners on Uniform State Laws are lifetime appointments unless a member resigns; therefore, Senator Ford, Senator Harris, and Assemblyman Ohrenschall will remain. Although Assemblywoman Cohen is a current member, she is being appointed as a legislative member by this motion.

The previous motion made by Assemblywoman Carlton and seconded by Senator Hammond carried. Vice Chair Benitez-Thompson was not present for the vote.

10. Nevada Commission on Minority Affairs (NRS 232.852) (Agenda Item VI A-17)

Chair Frierson sought a motion to reappoint Yolanda Flores, M.D., and Berna L. Rhodes-Ford to the Nevada Commission on Minority Affairs. He noted others would be appointed if time allowed.

Mr. Combs informed the Commission there are two additional vacancies that need to be addressed, and two names for consideration to fill those positions will be provided at the next Commission meeting.

MOTION: Senator Denis moved approval of the reappointments of Yolanda Flores, M.D., and Berna L. Rhodes-Ford to the Nevada Commission on Minority Affairs. Assemblywoman Carlton seconded the motion. The motion carried. Vice Chair Benitez-Thompson was not present for the vote.

D. Appointment of Chair and Vice Chair of Certain Committees (Agenda Item VI A-18):

1. Committee on High-Level Radioactive Waste (NRS 459.0085)

MOTION: Assemblywoman Carlton moved approval of the appointments of Assemblyman Flores as chair and Senator Parks as vice chair of the Committee on High-Level Radioactive Waste. Senator Denis seconded the motion. The motion carried. Vice Chair Benitez-Thompson was not present for the vote.

Mr. Combs explained that the membership of the Committee on High-Level Radioactive Waste is appointed by leadership as opposed to the Commission.

Chair Frierson confirmed that the naming of the members does not require a motion.

Mr. Combs read aloud the following members' names provided to him by leadership: Senators Cancela, Goicoechea, Parks, and Segerblom and Assembly Members Cohen, Flores, Marchant, and McCurdy II.

2. Legislative Committee on Education (*Nevada Revised Statutes* 218E.605)

Chair Frierson read aloud the following members' names chosen by leadership for membership on the Legislative Committee on Education: Senators Denis, Gustavson, Spearman, and Woodhouse and Assembly Members Benitez-Thompson, Miller, Thompson, and Tolles.

Mr. Combs clarified that adjustments had been made to the list of names, which explains why the names in the meeting packet do not match the names that were read aloud.

MOTION: Senator Atkinson moved approval of the appointment of Senator Denis as chair and Assemblyman Thompson as vice chair of the Legislative Committee on Education. Assemblywoman Carlton seconded the motion. The motion carried. Vice Chair Benitez-Thompson was not present for the vote.

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

Chair Frierson read aloud the following members' names chosen by leadership for membership on the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs: Senators Hardy, Parks, and Spearman and Assembly Members Bilbray-Axelrod, Cohen, and Krasner.

MOTION: Senator Atkinson moved approval of the appointments of Assemblywoman Cohen as chair and Senator Spearman as vice chair of the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs. Assemblywoman Carlton seconded the motion. The motion carried. Vice Chair Benitez-Thompson was not present for the vote.

4. Legislative Committee on Energy (NRS 218E.805)

Chair Frierson read aloud the following members' names chosen by leadership for membership on the Legislative Committee on Energy: Senators Atkinson, Settelmeyer, and Spearman and Assembly Members Brooks, Carlton, and Tolles.

MOTION: Senator Denis moved approval of the appointments of Senator Atkinson as chair and Assemblyman Brooks as vice chair of the Legislative Committee on Energy. Assemblywoman Carlton seconded the motion. The motion carried. Vice Chair Benitez-Thompson was not present for the vote.

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

MOTION: Assemblywoman Carlton moved approval of the appointments of Assemblywoman Monroe-Moreno as chair and Senator Farley as vice chair of the Legislative Committee on Child Welfare and Juvenile Justice. Senator Denis seconded the motion. The motion carried. Vice Chair Benitez-Thompson was not present for the vote.

6. Legislative Committee on Health Care (*Nevada Revised Statutes* 439B.200)

MOTION: Assemblywoman Carlton moved approval of the appointments of Senator Spearman as chair and Assemblyman Sprinkle as vice chair of the Legislative Committee on Health Care. Senator Denis seconded the motion. The motion carried. Vice Chair Benitez-Thompson was not present for the vote.

7. Committee to Conduct a Study Concerning the Needs Related to the Behavioral and Cognitive Care of Older Persons in Nevada (S.B. 121 [Chapter 522, *Statutes of Nevada 2017*])

MOTION: Assemblywoman Carlton moved approval of the appointments of Senator Woodhouse as chair and Assemblywoman Benitez-Thompson as vice chair of the Committee to Conduct a Study Concerning the Needs Related to the Behavioral and Cognitive Care of Older Persons in Nevada. Senator Farley seconded the motion. The motion carried. Vice Chair Benitez-Thompson was not present for the vote.

8. Committee to Conduct a Study Concerning Salaries for Certain Positions in the Unclassified and Nonclassified Service of the State (S.C.R. No. 6 [File No. 45, *Statutes of Nevada 2017*])

MOTION: Senator Atkinson moved approval of the appointment of Senator Parks as chair of the Committee to Conduct a Study Concerning Salaries for Certain Positions in the Unclassified and Nonclassified Service of the State. Assemblywoman Carlton seconded the motion. The motion carried. Vice Chair Benitez-Thompson was not present for the vote.

Mr. Combs informed the Commission that agenda items VI D. 8, 9, and 10 are resolutions, and the language does not indicate the Commission is required to appoint a vice chair, but it may do so if it chooses. If each committee does not appoint a vice chair, the chair may turn over a meeting to another member on the committee.

The previous motion made by Senator Atkinson and seconded by Assemblywoman Carlton carried. Vice Chair Benitez-Thompson was not present for the vote.

9. Committee to Conduct an Interim Study Relating to Affordable Housing (S.C.R. No. 1 [File No. 40, *Statutes of Nevada 2017*])

MOTION: Senator Denis moved approval of the appointment of Senator Ratti as chair to the Committee to Conduct an Interim Study Relating to Affordable Housing. Assemblywoman Carlton seconded the motion. The motion carried. Vice Chair Benitez-Thompson was not present for the vote.

10. Committee to Conduct an Interim Study Concerning the Advisability and Feasibility of Treating Certain Traffic and Related Violations as Civil Infractions (A.C.R. No. 9 [File No. 41, *Statutes of Nevada 2017*])

MOTION: Assemblywoman Carlton moved approval of the appointment of Assemblyman Yeager to the Committee to Conduct an Interim Study Concerning the Advisability and Feasibility of Treating Certain Traffic and Related Violations as Civil Infractions. Senator Cannizzaro seconded the motion. The motion carried. Vice Chair Benitez-Thompson was not present for the vote.

E. Approval of Budgets for Interim Studies and Statutory Committees

Mr. Combs drew the Commission's attention to the list of proposed number of meetings and budgets for each of the interim committees established for the 2017–2018 Interim (Agenda Item VI A-19). He pointed out that the figures are based on a number of different factors. Mr. Combs stated personnel costs are consistent, therefore, those figures were easy to calculate, but the operating expenses are based on historic figures and the most recent interim as are the number of meetings to be held. He explained the vote will be to establish an original budget. If extra meetings need to be held or if any of the committees run into financial difficulties due to anything unforeseen, committee staff would come back to the Commission and request an additional meeting and any funds that might be needed. Mr. Combs added there is money set aside in the Commission's budget to handle emergencies during the interim.

Mr. Combs mentioned the only figures that are not the result of an existing statute or bill is the Advisory Committee on the Reorganization of the Clark County School District (Agenda Item VI A-19), which was approved by a bill during the 2015 Session. The bill continued the Committee through one more interim and slightly changed a few of the Committee's aspects. Mr. Combs stated he decided to set aside $5,000, which is not in the bill; however, it is in the Commission's budget. The members receive reimbursement for travel, but they do not receive a salary, adding it is not one of the more expensive committees regardless of the fact that they have several meetings. A total for all of the meetings is $140,340 in Fiscal Year (FY) 2018 of the biennium and $54,811 in FY 2019. He requested of the Commission that when it makes its motion that it would include authority to move those funds between FYs, which would eliminate the need to come before the Commission.

Senator Kieckhefer asked whether the heading "Legislative Commission–Other In-State Meetings" (Agenda Item VI A-19) refers to the Commission as it is currently or whether it refers to something else.

Mr. Combs replied that legislators are entitled to be paid for serving on many of the nonlegislative committees and other committees that leadership appoints without the Commission's involvement, which is included in that total. The two largest committees are the Commission on Special License Plates (NRS 482.367004) and the Sunset Subcommittee of the Legislative Commission (NRS 232B.210).

MOTION: Senator Denis moved approval of the budgets for interim studies and statutory committees. Assemblywoman Carlton seconded the motion. The motion carried. Vice Chair Benitez-Thompson was not present for the vote.

F. Approval for Certain Committees to Meet Before or After Statutory Period for Meetings of Interim Committees

Mr. Combs identified a list of statutory committees that are restricted to meeting between November 1 of an odd-numbered year and August 31 of an even-numbered year (Agenda Item VI A-20). The Legislative Committee on Health Care has expressed that it would like to be able to meet earlier than November 1, 2017, and that it might also need to meet after August 31, 2018. He speculated the reason for the request is due to potential changes to the Patient Protection and Affordable Care Act during 2018.

Mr. Combs clarified that although there might not be a current need for other committees to meet outside the authorized dates, a future request to do so would need to come before the Commission.

MOTION: Assemblywoman Carlton moved approval of the request by the Legislative Committee on Health Care to meet before November 1, 2017, and after August 31, 2018. Senator Cannizzaro seconded the motion. The motion carried. Vice Chair Benitez-Thompson was not present for the vote.

AGENDA ITEM VII—INFORMATIONAL ITEMS

Chair Frierson asked members to identify any informational items under Agenda Item VII that they would like to discuss. There were none.

A. Summary of Quarterly Reports on Disciplinary Action from the Licensing Boards and State Agencies

B. Miscellaneous Reports of Correspondence from State Agencies and Others:
   1. Reports on Contracts for Public Works Awarded to Contractors, Applicants or Design-build Teams Who Receive a Preference in Bidding Pursuant to NRS 338.0117(7):
      a. Las Vegas Convention and Visitors Authority
      b. Nevada's Department of Transportation
      c. Las Vegas McCarran International Airport, Department of Aviation
      d. Clark County School District
      e. Clark County Water Reclamation District
      f. City of Las Vegas
      g. Washoe County School District

2. Annual Report of City of Sparks Tourism Improvement District Pursuant to NRS 271A.105

3. Governor's Office of Economic Development's Faraday Future Inc. Quarterly Activity Report (Q2, 2017) Pursuant to *Nevada Revised Statutes* 360.895(2)

4. Quarterly (Q2, 2017 and Annual (FY 2016–2017) Reports on Sales and Use Tax Imposed to Recruit, Employ, and Equip Public Safety Personnel Pursuant to Section 17.5 of the Nye County Sales and Use Tax Act of 2007:
   a. Nye County
   b. City of Tonopah

5. Storey County, Annual Report Regarding Economic Diversification District Pursuant to NRS 271B.100

AGENDA ITEM VIII—PUBLIC COMMENT

Chair Frierson called for public comment; however, no testimony was presented.

The following documents were submitted for the record:

- Letter dated September 18, 2017, submitted by Andrew Bass, Director of Parks, Recreation, and Community Services, City of Reno (Agenda Item VIII A);

- E-mail correspondence dated May and June 2017 submitted by David Walton, Challenger School, Inc., Las Vegas, Nevada (Agenda Item VIII B); and

- Resumé submitted by Michael Carico, North Las Vegas, Nevada (Agenda Item VIII C).

AGENDA ITEM IX—ADJOURNMENT

MOTION: Assemblyman Wheeler moved approval of the adjournment of the meeting. Senator Cannizzaro seconded the motion. The motion carried. Vice Chair Benitez-Thompson was not present for the vote.

There being no further business to come before the Commission, the meeting was adjourned at 2:39 p.m.

Respectfully submitted,

Debbie Gleason
Secretary for Minutes

APPROVED BY:

Assemblyman Jason Frierson, Chair
Legislative Commission

MEETING MATERIALS

AGENDA ITEM	WITNESS/ENTITY	DESCRIPTION
Agenda Item II A	Quinn Cartwright, Project Manager, Nevada Community Health Worker Association, Dayton, Nevada	Letter dated September 18, 2017
Agenda Item II B	Trey Delap, Group Six Partners, LLC, and Foundation for Recovery, Inc., Las Vegas, Nevada	Letter dated September 21, 2017
Agenda Item V A-1	Legal Division, Legislative Council Bureau (LCB)	List of administrative regulations
Agenda Item V A-2	Legal Division, LCB	Adopted Regulation of the State Board of Health, LCB File No. R133-15
Agenda Item V A-3	Legal Division, LCB	Adopted Regulation of the State Board of Education, LCB File No. R031-16
Agenda Item V A-4	Legal Division, LCB	Adopted Regulation of the State Board of Health, LCB File No. R092-16
Agenda Item V A-5	Legal Division, LCB	Adopted Regulation of the State Board of Health, LCB File No. R120-16
Agenda Item V A-6	Legal Division, LCB	Adopted Regulation of the State Board of Health, LCB File No. 121-16
Agenda Item V A-7	Legal Division, LCB	Adopted Regulation of the State Board of Health, LCB File No. 134-16
Agenda Item V B	Assemblyman James Oscarson, Assembly District No. 36	Letter dated September 20, 2017
Agenda Item V C	Rick Combs, Director, LCB	Legislative Resolution
Agenda Item VI A-1	Rick Combs, Director, LCB	Appointments to the Committee to Consult with the Director

Agenda Item VI A-2	Rick Combs, Director, LCB	Appointments to the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System
Agenda Item VI A-3	Rick Combs, Director, LCB	Appointments to the Legislative Committee on Child Welfare and Juvenile Justice
Agenda Item VI A-4	Rick Combs, Director, LCB	Appointments to the Legislative Committee on Health Care
Agenda Item VI A-5	Rick Combs, Director, LCB	Appointments to the Legislative Committee on Public Lands
Agenda Item VI A-6	Rick Combs, Director, LCB	Appointments to the Committee to Conduct an Interim Study Relating to Affordable Housing
Agenda Item VI A-7	Rick Combs, Director, LCB	Appointments to the Committee to Conduct an Interim Study Concerning the Advisability and Feasibility of Treating Certain Traffic and Related Violations as Civil Infractions
Agenda Item VI A-8	Rick Combs, Director, LCB	Appointments to the Nevada Commission on Aging
Agenda Item VI A-9	Rick Combs, Director, LCB	Appointments to the State Council for the Coordination of the Interstate Compact on Educational Opportunity for Military Children

Agenda Item VI A-10	Rick Combs, Director, LCB	Appointments to the Task Force on Alzheimer's Disease
Agenda Item VI A-11	Rick Combs, Director, LCB	Appointments to the Advisory Council on the State Program for Wellness and the Prevention of Chronic Disease
Agenda Item VI A-12	Rick Combs, Director, LCB	Appointments to the Regional Behavioral Health Policy Boards
Agenda Item VI A-13	Rick Combs, Director, LCB	Appointments to the Advisory Task Force on School Leader Management
Agenda Item VI A-14	Rick Combs, Director, LCB	Appointments to the Committee for the Office of Minority Health and Equity
Agenda Item VI A-15	Mary Shope, Coordinator, Nevada Silver Haired Legislative Forum, Administrative Division, through Rick Combs, Director, LCB	Memorandum dated September 14, 2017
Agenda Item VI A-16	Rick Combs, Director, LCB	Appointments to the Commissioners on Uniform State Laws
Agenda Item VI A-17	Rick Combs, Director, LCB	Appointments to the Nevada Commission on Minority Affairs
Agenda Item VI A-18	Rick Combs, Director, LCB	Appointments of chair and vice chair of certain committees
Agenda Item VI A-19	Rick Combs, Director, LCB	Approval of budgets for interim studies and statutory committees
Agenda Item VI A-20	Rick Combs, Director, LCB	Approval for certain committees to meet before or after statutory period for meetings of interim committees

Agenda Item VIII A	Andrew Bass, Director, Parks Recreation, and Community Services, City of Reno	Letter dated September 18, 2017
Agenda Item VIII B	David Walton, Challenger School, Inc., Las Vegas, Nevada	E-mail dated September 21, 2017
Agenda Item VIII C	Michael Carico, North Las Vegas, Nevada	Résumé

This set of "Minutes of the Legislative Commission" is an informational service. Meeting materials are on file in the Director's Office of the Legislative Counsel Bureau, Carson City, Nevada.