



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

The Legislative Commission held its first meeting in Calendar Year 2018 on Tuesday, February 27, 2018. The meeting began at 9:20 a.m. in Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada, and was videoconferenced to Room 3137 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 Kelvin D. Atkinson
Senator Moises (Mo) Denis
Senator Patricia Farley
Senator Aaron D. Ford
Senator Pete Goicoechea for Senator Ben Kieckhefer
Senator Scott T. Hammond
Assemblywoman Maggie Carlton
Assemblyman Al Kramer for Assemblyman Keith Pickard
Assemblyman James Oscarson
Assemblyman Jim Wheeler

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
Michael J. Stewart, Research Director, Research Division
Janet Coons, Manager of Secretarial Services, 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.

Mona Lisa Samuelson, Nevada resident, medical marijuana patient advocate and community activist, stressed the importance of medical marijuana patients' concerns being heard during the regulatory process.

Jefferson W. Boswell, Esq., Peel Brimley LLP, Henderson, Nevada, representing For Fairness in the Cannabis Industry, LLC, urged the Commission to allow Peel Brimley LLP the opportunity to work with Nevada's Department of Taxation in revising R092-17 ([Agenda Item V A-2](#)), with the goal of promoting an impartial and numerically scored competitive bidding process regarding the issuance of retail licenses to new marijuana establishments. The main points of his testimony are set forth in a letter dated January 15, 2018, addressed to the Department ([Agenda Item II A](#)).

Tom Haney, resident, Las Vegas, Nevada, remarked about conflicts of interest concerning CWNevada, LLC (cultivator and producer of marijuana and owner of marijuana dispensaries), and he called for the investigation of CWNevada, LLC.

Rafael Arroyo, representative, Smog Plus DMV Services (a licensing document preparation company), Las Vegas, testified regarding the Department of Motor Vehicles' (DMV) decision to discontinue its standby/walk-up registration service window at its four southern Nevada locations—effective March 5, 2018—utilized by document preparation companies. He is of the opinion the policy change will: (1) limit Nevadans' options for processing document transactions; (2) reduce efficiency; and (3) potentially curtail the industry's business by 50 percent. Mr. Arroyo provided a copy of several communication exchanges between himself and others and DMV representatives as well as a letter dated February 26, 2018, from Senator Tick Segerblom, Senate District 3, to Governor Sandoval requesting his intervention in the matter ([Agenda Item II B](#)). He stated the document preparation industry requests that the DMV postpone its implementation of the policy change until after industry representatives and the DMV have had the opportunity to meet and thoroughly vet the change.

Karen Boeger, Member and Board Policy Chair, Backcountry Hunters & Anglers (BHA), Reno, Nevada, commented on a letter dated February 26, 2018, from the BHA to the Commission that expresses its reasons for supporting three regulations

adopted by the Board of Wildlife Commissioners, Department of Wildlife ([Agenda Item II C](#)): (1) R144-15 ([Agenda Item V A-11](#)); (2) R012-16 ([Agenda Item V A-7](#)); and (3) R134-17 ([Agenda Item V A-13](#)). She urged the Commission's support of the regulations.

Barry Smith, Executive Director, Nevada Press Association, Carson City, Nevada, provided a letter dated February 26, 2018, from the Association to the Commission ([Agenda Item II D](#)) that outlines the Association's objections to Section 242 of R092-17 ([Agenda Item V A-2](#)). He argued the regulatory language provides an exception to Nevada's open records law, commonly referred to as the Nevada Public Records Act, by creating confidentiality for the name or any other identifying information of any person who facilitates or delivers services pursuant to Chapter 453D ("Regulation and Taxation of Marijuana") of NRS. Mr. Smith pointed out the exception was initially intended to be applied to the medical marijuana statute and provisions that protected doctors and cardholders. He said extending the exception to recreational marijuana could negatively impact other public records requests.

Will Adler, Owner, Sierra Cannabis Coalition, offered counterpoints to a letter dated January 17, 2017, written by Brett H. Pojunis ([Agenda Item II E](#)), Former Chair, Libertarian Party of Nevada (LPN), regarding defects in R092-17 perceived by the LPN—specifically, that the regulation is not well vetted. He countered the regulation was reviewed at length through multiple hearings. In addition, Mr. Adler stated marijuana can only be sold by dispensaries or retail marijuana stores, which is how the marijuana tax is structured. He concluded the Department of Taxation has done a great job, and he fully supports R092-17 as written.

Geoffrey Lawrence, Chief Financial Officer and Chief Compliance Officer, Player's Network, Inc., Las Vegas, on behalf of Green Leaf Farms, Inc. (licensed cultivator and producer of marijuana in Nevada), testified Green Leaf Farms, Inc. is of the opinion R092-17 fails the specific statutory standards in Sections 76–80 of Chapter 453D concerning the licensing process for new marijuana retail applications. He said the process must be impartial, numerically scored, and competitive, and he provided examples of how the regulation fails statutory standards. Mr. Lawrence urged the Commission to grant a temporary extension of the regulation so the issues can be addressed in order to avoid a judicial review.

Delilah De La O, owner of a Las Vegas DMV registration business, concurred with Mr. Arroyo's comments regarding the DMV's policy change of closing its standby/walk-up registration window at its four Las Vegas offices. She conjectured one of the reasons for the change in policy is due to unscrupulous businesses that have used the DMV logo on their stationary and websites noting the document preparation industry is not opposed to being regulated by the DMV. She also discussed other matters relating to the policy change, such as: (1) benefits derived from the use of document preparation services; (2) comparing the effectiveness of

DMV programs used in northern Nevada to their use in southern Nevada that affect wait times; and (3) the effect on minorities concerning the DMV's five-day document processing delay.

Riana Durrett, Esq., and Executive Director, Nevada Dispensary Association, Las Vegas, stated the Association supports R092-17 as written. She also provided background information on R092-17 and addressed others' opposition to the regulation's licensing criteria.

Madison Saglibene, representing the Las Vegas Chapter for the National Organization for the Reform of Marijuana Laws (NORML), raised concerns over the unintentional consequences of R092-17, specifically, the rise of the marijuana black market due to the high prices of recreational marijuana. She encouraged more transparency in the regulation process for NORML, consumers, and the State of Nevada.

Amanda N. Connor, Esq., Connor & Connor PLLC, representing the Nevada Cannabis Coalition (NCC), Las Vegas, which represents approximately 40 Nevada marijuana license holders, stated the NCC is in support of R092-17 as proposed. She also commented on the collaborative efforts between working groups, the Department of Taxation, and the Governor's Task Force on the Implementation of Ballot Question 2: The Regulation and Taxation of Marijuana Act, in drafting the regulation. Ms. Connor noted R092-17 is impartial and gives everyone who is eligible to apply for a license the opportunity to rank in various categories.

William (Bill) Process, Nevada resident, testified in opposition to R110-16 ([Agenda Item V A-12](#)) as it is currently written. He is of the opinion horse owners should not be limited to using veterinarians in Nevada for equine dental services when other nonveterinarian individuals with the proper education and experience are available.

Zach Rhodes, Nevada resident, and certified equine dentist, elaborated on his extensive credentials and experience in the field of equine dentistry; however, in order to legally practice equine dentistry, he must go out of state. He opposes R110-16, as written, and would like to see it amended because it is restrictive and anticompetitive.

Kristie Baldassarre, Owner and Operator, Done and Done DMV Service, Las Vegas, spoke in opposition to the DMV's decision to close the standby/walk-up registration service window at its four southern Nevada locations, and she stressed the industry's value in providing community service.

Cristina Alfonso-Zea, disabled veteran and resident of Las Vegas, discussed the life-saving benefits of medical marijuana to veterans and its reduced cost compared

to that of recreational marijuana. She encouraged the Commission to reconsider the taxation of recreational marijuana dispensaries in an effort to make it more affordable to veterans and others and as an alternative to the marijuana black market.

Allen Puliz, Managing Partner, The Nevada LLC (a marijuana cultivator and production company), explained why the company suggests R092-17 needs to be more fair and evenhanded. His comments focused on:

- The scoring method used in obtaining a dispensary license;
- The term *experienced key personnel* in subsection (h) of Section 80; and
- The monopolistic properties in the marijuana industry.

Mr. Puliz urged the Department of Taxation to recognize cultivation and production companies in Nevada that have a history, have invested money, and have hired employees.

Steven B. Cohen, Esq., Cohen, Johnson, Parker, Edwards, in Las Vegas, representing Mr. Puliz and The Nevada LLC, provided testimony concerning R092-17 as it relates to:

- Ambiguities in the dispensary application process and dispensary employees and licensing;
- Potential litigation; and
- Unintended consequences if the regulation is adopted:
 - Cutting competition;
 - Keeping prices high;
 - Providing preferential treatment to existing marijuana dispensaries; and
 - Undercutting of state licensing by the black market.

Mr. Cohen requested the opportunity to address what he perceives as glaring defects in the regulation process and to clear up ambiguities in the regulation.

Craig R. Rombough, President, Mother Herb, Inc. (a marijuana cultivation facility), Las Vegas, shared the lessons his company has learned since its inception three and one-half years prior and how those lessons can affect R092-17 regarding the issuance of new marijuana licenses. He said his company grows one of the best

marijuana strains in Nevada that is effective in treating pain, combatting opioid addiction, and cancer treatments. Mr. Rombough indicated his company can grow marijuana at a lower cost than the black market, but it needs an outlet from which to pass the savings on to consumers because the dispensaries still charge high prices. He argued against allowing the same cultivators to acquire more dispensary licenses, which would prevent fair prices for consumers, and the black market would still exist. Mr. Rombough stressed the benefit of current cultivators having already been vetted and the fact they have put up large cash amounts to get the businesses going for their dispensaries. He thinks vetted cultivators should be given a fair shot, or even greater shot, in an effort to create a proper and free market that is not controlled by the same people with more dispensaries. He suggested reconsidering the approval of R092-17 as written.

Cindy Brown, Nevada resident, patient advocate, and cancer survivor, said legislation passed during the 2017 Session reduced the number of marijuana plants from 12 plants per person per household to 12 plants per household, which is not enough to effectively use medical marijuana. She stressed medical marijuana patients do not need more monopolies, but rather they need more diverse dispensaries. Ms. Brown stated medical marijuana patients who are on the registry are prohibited from growing at home; therefore, they are being forced to pay higher prices from recreational dispensaries. In addition, patients are getting marijuana from the black market, which is supplied primarily by California and Colorado. Ms. Brown asked the members to keep this information in mind during the 2019 Session.

Nicola (Nick) M. Spirtos, M.D., Representative, The Apothecary Shoppe, Las Vegas, made the following points:

1. There are no perfect regulations;
2. Not everyone got what they wanted during discussions on R092-17, but everyone was heard;
3. There should be flexibility in the Legislature and the Department of Taxation;
4. There is a misconception by cultivators that they have supported the dispensaries and have taken losses; and
5. If R092-17 is not adopted, the dispensary industry would be operating without guidance.

Evan Marder, Chief Operating Officer, Matrix NV Cannabis Products (cultivation and production facility), Las Vegas, concurred with previous comments made that cultivators would like a fair shake at dispensary licensing. He expressed concern for the future of independent cultivators and producers because dispensaries bring on

their own cultivation. Mr. Marder offered a reminder that the majority of dispensary licenses granted were given to people without dispensary experience.

Jason Scheurer, representing marijuana industry investors, stated many investors are concerned with ambiguities in R092-17 regarding dispensary licensing. He said if the growers are not given more access, one or two companies will eventually own all dispensary licenses, and dispensaries will become the control mechanism that will dictate to the growers what the products and prices will be. Mr. Scheurer stated the investors he represents will not invest in future growing facilities until they see more clarity in the regulation.

Mr. Pojunis, previously identified, stated he is a shareholder in many Nevada marijuana companies. He referred to his letter addressed to the Commission in which he gives a brief description of the defects he sees in R092-17 ([Agenda Item II E](#)). Specifically, Mr. Pojunis is concerned as more retail license holders complete their own cultivation facilities, independent cultivators will be left with fewer dispensaries willing to purchase their product. He suggested extending temporary regulations and revisiting R092-17 to avoid potential litigation.

Ben Sillitoe, Chief Executive Officer (CEO) and Co-founder, Oasis Cannabis, Las Vegas, stated the regulation process for R092-17 was followed, and there were adequate opportunities for input from interested parties. He is of the opinion the intent of the law was to allow the best operators to be the ones to face the public because public perception is important. Mr. Sillitoe explained the black market is Oasis Cannabis's greatest competitor and, yet, Oasis Cannabis has not raised its prices since before July 1. However, he said some operators that have accused dispensaries of price-fixing are charging 30 to 40 percent more than what they charged in May 2017. He indicated high prices are a direct result of supply and demand, and it is impossible for dispensaries to price-fix because all 80 of them cannot supply their own needs. Lastly, he opined there will always be threats of litigation; he encouraged the adoption of R092-17.

Mark Bradley, CEO of Green Leaf Farms, Inc. and Player's Network, Inc., stated he applied for a dispensary license early in the process but did not receive one. Since then, he has built a cultivation facility, but it is difficult to sell product when dispensaries also hold a cultivation and production license. He pointed out that in other states, marijuana cultivators and dispensary owners cannot have both licenses. Mr. Bradley remarked about the Department of Taxation's dismissive behavior toward licensees during the regulations' hearings. He said he does not think dispensary licensees who purchased licenses from original owners should be eligible to apply for additional licenses, because that was not the intent of the law. Mr. Bradley touched on points outlined in his written comments ([Agenda Item II F](#)). He asked the Commission to extend the temporary regulations in an effort to allow interested parties to revise R092-17 so that it aligns more with legislation.

Jennifer Solas, Founder, Wellness Education Cannabis Advocates of Nevada, stated she agrees with the cultivators and production companies' comments. She cautioned if R092-17 is approved as written, it could lead to the collapse of the marijuana cultivation and production industry for several months, which occurred in Oregon, and it allowed a monopoly for cultivators with clean growing practices to rise. Ms. Solas explained this is due to the current growing practice of many cultivators in Nevada because pesticides are not evident during pesticide cultivation testing to the extent that they fail the crop; however, when crops are concentrated, so are the pesticides. She requested the extension of the temporary regulation, and she noted the regulation also affects the hemp industry because it follows the same regulations as marijuana cultivation.

AGENDA ITEM III—APPROVAL OF MINUTES OF THE DECEMBER 19, 2017, MEETING

MOTION: Assemblywoman Carlton moved approval of the minutes of the December 19, 2017, meeting. Senator Ford seconded the motion. The motion carried. Vice Chair Benitez-Thompson was not present for the vote.

AGENDA ITEM IV—LEGISLATIVE AUDITOR

A. Summary of Audit Reports Presented to Legislative Commission's Audit Subcommittee (NRS 218G.240)

Rocky Cooper, previously identified, drew the Commission's attention to a letter dated January 17, 2018, from Assemblywoman Benitez-Thompson, Chair, Audit Subcommittee of the Legislative Commission (NRS 218G.240) ([Agenda Item IV A-1](#)), indicating that on that date a meeting of the Audit Subcommittee was held in which six audit reports were presented. He provided a summary of each report, as follows:

Hearings Division, Department of Administration (DOA) ([Agenda Item IV A-2](#))

The purpose of the audit was to determine the adequacy of controls over personally identifiable and sensitive health information and the evaluation of other financial and administrative controls. The Division's controls related to the protection of personally identifiable and sensitive health information need improvement. The Division collects Social Security numbers (SSNs) it does not need, and the information is maintained in a hard-copy format. In addition, the Social Security information for 435 individuals was stored unencrypted on the Division's information system, and it had not adequately protected information relating to case management. The Division needs to work with the Division of Enterprise Information Technology Services (EITS), DOA, to review server security, which will help reduce the risk of a third-party security breach. The Division can also improve its performance measures. It did not ensure the collection of all bills due from state agencies for conducting hearings, and employees did not receive

required performance evaluations. Out of 69 employee evaluations due, 56 in Fiscal Years 2015 and 2016 were not conducted. The Division accepted the nine audit recommendations.

Victims of Crime Program, DOA ([Agenda Item IV A-3](#))

The purpose of this audit was to determine the adequacy of controls over the protection of personally identifiable and sensitive health information. The audit also evaluated other financial and administrative controls. The Program's controls related to the protection of personally identifiable and sensitive health information were weak. Documents containing sensitive information were not stored in a secured manner. Boxes containing victim medical records and various other documents set aside for shredding were located in an open area accessible to program staff and janitorial staff provided by the building owner. These documents contained medical information and applications that included victims' names, addresses, dates of birth, crime information, and SSNs. In light of the recent mass shooting in Las Vegas and the increase in volume of victims' crime information, it was suggested at the Audit Subcommittee meeting that the Audit Division (Audit) verify the corrective actions taken by the Program the next time Audit staff visited Las Vegas. Earlier this month, Audit verified that victims' information is adequately protected in a locking container prior to being shredded. In addition, Audit found the Program's contractor stores victim data on its server at the contractor's office in Las Vegas. According to Program staff, neither the Program nor EITS has reviewed the security settings of the server, which is important in preventing a security breach. Other issues identified: (1) the Program's controls over collecting and calculating performance measures need improvement; (2) the Program needs to establish a process to track known subrogation opportunities; (3) revenue collection and tracking processes need improvement; and (4) the Program completed only 9 out of 16 employee evaluations in 2015 and 2016. The Program accepted Audit's seven recommendations.

Housing Division, Department of Business and Industry ([Agenda Item IV A-4](#))

The Housing Division is effectively monitoring low-income housing properties funded by a federal tax credit and grant programs. The Audit Division tested 50 out of 273 properties the Division currently monitors and found the Division timely and thoroughly monitored all properties in Calendar Year 2016. The properties comprise approximately 23,000 housing units. The thoroughness and quality of the Division's monitoring provides assurance that families are housed in safe conditions, charged appropriate rent, and are eligible for the program's services. It was found the Division could improve its performance measures; Audit made two recommendations in that area, which the Division accepted.

Records, Communications and Compliance Division, Information Security, Department of Public Safety (DPS) ([Agenda Item IV A-5](#))

This was an information security audit performed by Audit's Information Systems staff. Information security is very important for DPS because it supports Nevada's criminal justice community, which includes areas such as: (1) dispatch; (2) warrants; (3) Nevada Criminal History Repository; (4) Brady Point of Contact Firearms Program; and (5) the Sex Offender Registry. Audit identified several weaknesses in the Division's information security controls. Of the Division's 234 network user accounts, 63 former employee accounts were identified whose network access had not been disabled or removed timely, which included 13 accounts over three years old. Of the Division's staff and vendors, 41 had not completed their annual security awareness training, which is required by state security standards. The Division did not maintain a master list of authorized users or review its system access privileges for several of its mission-critical applications, and the Division did not have a disaster recovery plan to ensure prioritization of mission-critical services for restoration in the event of an emergency. Timely restoration of mission-critical services could be severely affected when this plan does not exist, potentially impacting public safety. A service level agreement was not in place between EITS and the Division. An agreement should be in place because the Division relies on EITS for its information technology support. The Division accepted the ten recommendations to improve information security.

Adult Mental Health Services, Community-Based Living Arrangement Homes (CBLA), Division of Public and Behavioral Health (DPBH), Department of Health and Human Services (DHHS) ([Agenda Item IV A-6](#))

The Audit Division inspected CBLA homes that serve clients of northern and southern Nevada adult mental health services. The inspections found adults in need of mental health care live in dismal conditions in CBLAs. Without strong inspection and certification processes, Audit has serious concerns with the current model for funding CBLA homes. Providers operate in an industry that is inherently driven by a profit motive—the absence of adequate inspections and certification activities may limit their level of care to maximize profit at the detriment of client services. Some examples of conditions observed include: (1) unsanitary conditions in 36 homes, which included excessive dirty conditions, mold, rodent and insect infestations, and no hand soap or toilet paper in the bathrooms; (2) personal and health safety issues in 34 homes, which included expired or spoiled food, broken doors, and broken and exposed glass; (3) fire safety hazards were found in 33 homes, which included expired or inaccessible fire extinguishers and missing and disabled smoke detectors; (4) inadequate medication management practices were observed in 28 homes, including medication administration records that were left blank, were not up to date, or were completed in advance; and medications were improperly stored, including medications that were comingled or expired; (5) bleak living conditions were identified in 36 out of 37 homes that included insufficient quantities of food, inadequate lighting, insufficient bedding and linens, and nonfunctioning or damaged appliances; (6) in two homes, young children of

caregivers were living in the homes that were observed; in one home, the child's parents were not present and the mentally ill clients were taking care of the child; (7) in 11 CBLA homes inspected in southern Nevada, the staff member identified as the caregiver spoke little or no English—the language of the clients living in the homes; if caregivers are unable to communicate, clients may not receive the services they need and for which the state is paying; and (8) most of the CBLA providers tested had not undergone a required review and assessment of certification procedures; when procedures were performed, they were untimely by up to five years. The Division accepted the seven recommendations to improve the oversight of CBLA providers.

Review of Guidelines for Licensing Children's Facilities—January 2018
([Agenda Item IV A-7](#))

Typically, Audit reviews facilities where the children are placed. However, the purpose of this review was to evaluate the licensing agencies' policies and procedures and to strengthen the process to prevent problems from occurring in the future. The written guidance of four licensing agencies was reviewed, which includes: (1) the Bureau of Health Care Quality and Compliance, DPBH, DHHS; (2) the Washoe County Human Services Agency; (2) the Clark County Department of Family Services; and (4) the Division of Child and Family Services, DHHS. Overall, Audit found the written guidance used by the licensing agencies, when reviewing new licensing applications and application renewals, need to be updated to provide more explanatory detail. Generally, the licensing agencies do not have written policies and procedures for licensing, but rather, they rely on checklists, NRS, and *Nevada Administrative Code* (NAC) when licensing facilities. Although the checklists are a very good tool, Audit identified gaps related to some areas where problems were often identified at the children's facilities during inspections. Key areas sometimes missing from the guidance of the four licensing agencies include: (1) informing youths of their rights; (2) having established a grievance process; (3) mandatory reporting of suspected abuse or neglect of a child; (4) requirements for background investigations; (5) documentation of physician orders; and (6) ensuring written consent of the person legally responsible is obtained prior to the administration of psychotropic medications. Review of guidelines included the four different licensing agencies and six different facility types. The agencies were asked to take corrective actions, where applicable; provide copies of the revised guidelines to Audit; and describe the actions taken to ensure proper consent is obtained from the people legally responsible when administering psychotropic medications to a child in the custody of a child welfare agency.

Mr. Cooper stated the Audit Subcommittee recommends the Commission accept the six reports.

MOTION: Senator Ford moved approval of the Audit Division's six audit reports. Assemblywoman Carlton seconded the motion. The motion carried. Assemblymen Kramer and Wheeler were not present for the vote.

B. Summary of Six-Month Status Reports on the Implementation of the Audit Recommendations by the Legislative Auditor as Submitted to the Audit Subcommittee (NRS 218G.270)

Referring to a second letter dated January 17, 2018, from Assemblywoman Benitez-Thompson, Chair, Audit Subcommittee of the Legislative Commission ([Agenda Item IV A-8](#)), Mr. Cooper stated the letter indicates 13, 6-month reports and the implementation status schedule ([Agenda Item IV A-9](#)), as of that date, were reviewed by the Audit Subcommittee. At that time 88 out of 96 recommendations were fully implemented, and, as of today, 93 of the 96 recommendations are fully implemented. He said the Audit Division will continue to follow up on the remaining, partially implemented recommendations. Mr. Cooper stated the Audit Subcommittee recommends the Commission accept the six-month reports.

MOTION: Assemblywoman Carlton moved approval of the 13, 6-month audit reports. Senator Ford seconded the motion. The motion carried. Assemblymen Kramer and Wheeler were not present for the vote.

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_2018_Feb27.pdf.

The following regulations were identified by members to be held for discussion:

R106-15, R012-16, R007-17, R045-17, R046-17, R055-17, R075-17, and R076-17.

Senator Hammond commented on the overall lack of transparency regarding the regulation process, and he questioned the distance between legislating/regulating and the relationships with industries/lobbyists. He also expressed concern regarding the Department of Taxation's ability to keep up with the regulations.

Chair Frierson asked Brenda J. Erdoes, previously identified, to confirm whether R092-17 ([Agenda Item V A-2](#)) could be extended.

Ms. Erdoes explained that shortly after the 2017 Session, the Department of Taxation adopted a temporary regulation, which was set to expire in November 2017. The Department then adopted an emergency regulation—effective for 120 days that cannot be extended—which will expire on March 1, 2018. She said if R092-17 is not approved at this meeting, there will be no marijuana regulations.

Senator Goicoechea commented he is also concerned about the Department's ability to enforce the regulation because it is so stringent, and he questioned whether additional personnel are needed.

Chair Frierson asked whether any of the members wanted R092-17 held for discussion. He remarked if the regulation is approved, it will need to be monitored. The Department still has work to do, and he surmised Senator Goicoechea's question would be better suited if directed at the Department.

Senator Goicoechea said he understands the regulation is not perfect, and he is fine with it as written.

MOTION: Assemblywoman Carlton moved approval of R004-16, R073-16, R110-16, R155-16, R016-17, R018-17, R042-17, R062-17, R064-17, R065-17, R069-17, R070-17, R074-17, R092-17, R093-17, R095-17, R108-17, R110-17, R112-17, R116-17, R125-17, R126-17, R134-17, R142-17, R144-15, and R022-17. Senator Atkinson seconded the motion. The motion carried. Assemblymen Kramer and Wheeler were not present for the vote.

Regulation 106-15

A REGULATION relating to education; prescribing requirements for a policy to teach English to pupils who are English learners; revising certain terms and definitions in conformance with revisions to federal law; and providing other matters properly relating thereto. ([Agenda Item V A-3](#)).

Senator Denis asked for confirmation that the regulation changes English Language Learners' (ELLs) testing from biannually to annually.

Karl Wilson, Programs Supervisor, ELL Program, Nevada's Department of Education (DOE), confirmed Senator Denis' statement. He explained that existing regulations allow for testing biannually; however, federal law requires ELLs to be assessed annually in their language development.

Senator Denis agreed with the change. He questioned whether representatives of Clark and Washoe County School Districts, who work with ELLs, participated in the hearing.

Mr. Wilson stated not only were there opportunities to participate during the workshop and the hearing, district representatives who serve ELLs were specifically given opportunities during additional meetings to discuss what was recommended by the English Mastery Council, DOE. In response to Senator Denis' question regarding whether the districts thought the change would create an undue burden for them, he replied there were no comments to that effect. Mr. Wilson added there were concerns from smaller rural districts with fewer ELLs in their populations that they had unique challenges, but they understood the policy requirements are appropriate for all districts.

Chair Frierson remarked the Commission would first hear all of DOE's regulations and then a vote would be taken.

Regulation 075-17

A REGULATION relating to education; prescribing criteria that the State Board of Education will use to award grants to school districts and charter schools for programs of career and technical education; transferring to the State Board certain duties of the former State Board for Career and Technical Education; revising the program areas for which the board of trustees of a school district may offer a program of career and technical education; and providing other matters properly relating thereto ([Agenda Item V A-4](#)).

Senator Denis asked whether performing arts is considered career and technical education (CTE) in the criteria used by the State Board of Education (SBE).

Kristine Nelson, Director, Office of Career Readiness (OCR), Adult Learning, and Education Options, DOE, stated CTE programs that a public school district or charter school may offer are listed in NAC 389.803, but it does not specifically list performing arts. She explained CTEs are grouped under six program areas outlined in the current regulation. If a school district wishes to offer and apply for CTE grants, such as performing arts, they are not prohibited from doing so.

Senator Denis questioned whether the regulation is being updated as a result of the 2017 Session or because of federal regulations.

Ms. Nelson replied R075-17 is a result of Assembly Bill 482 (Chapter 39, *Statutes of Nevada 2017*). She explained the language was in statute, but AB 482 required that it be removed and that the SBE prescribe the regulations in Chapter 389 ("Examinations, Courses, Standards and Diplomas") of NAC. In response to Senator Denis' question of whether industry representatives participated in discussions regarding CTEs, Ms. Nelson said the OCR consistently has business and industry partake in its CTE standards writing and assessment processes, which is required by regulation. Regarding R075-17, the OCR did not specifically call on anyone. However, testimony was given by business and industry representatives at workshops and before the DOE's High School

Graduation Committee—comprised of SBE members—during the regulatory process as well as at the SBE's public hearing processes.

Regulation 076-17

A REGULATION relating to education; prescribing the criteria for a pupil to receive a college and career ready high school diploma, a college-ready endorsement and a career-ready endorsement; revising the criteria for a pupil to receive an advanced diploma; and providing other matters properly relating thereto ([Agenda Item V A-5](#)).

Senator Denis asked what business and industry representatives think about the college and career ready high school diploma.

Ms. Nelson reported on the significant extent of stakeholder engagement pursued by the DOE regarding R076-17. She said the regulation is a framework that began in March 2017 before AB 7 (Chapter 501, *Statutes of Nevada 2017*)—the legislation that drove the regulation—became effective. Ms. Nelson stated the DOE met extensively with two of Nevada's largest districts, Clark and Washoe Counties; the Office of Workforce Innovation, Office of the Governor (OG); the Board of Economic Development, OG; Nevada employers; the Nevada Association of Employers; the New Skills for Youth Grant team comprising of Nevada employers and local and state workforce board membership; and the Nevada System of Higher Education, all of whom worked on the framework for the new diploma. She noted the DOE did not want to build something in regulation that was not feasible for students to obtain and/or for districts to implement.

Senator Denis said he was pleased with the participation.

Regulation 055-17

A REGULATION relating to education; revising the performance standards for a course of study in health for pupils enrolled in prekindergarten, kindergarten and grades 1 to 12, inclusive; and providing other matters properly relating thereto ([Agenda Item V A-6](#)).

Senator Hammond asked for the intent of paragraphs (d) and (e) of subsection 1 of Section 1.

Amber Reed, Education Program Professional, DOE, said the goal is to scale up and scaffold the learning and content for children in an age-appropriate way. Paragraphs (d) and (e) of subsection 1 would be age appropriate for kindergarten and first and second grades.

Senator Hammond asked whether the intent of paragraph (e) is to allow parents and/or students to withdraw if either does not think it is something he or she needs to be a part of, noting the language requiring the definition of *personal space* of the

pupil and safe *personal space* of others is quite broad. He asked for a more narrow definition of *personal space*, when is it considered to be violated, and what action is taken when it is violated.

Ms. Reed replied kindergartners and students in first and second grades should be able to define a safe *personal space of the pupil and of other persons*, which is the goal of the content and standards. The determinations would likely accompany a lesson about appropriate classroom behaviors and what they mean for students at those ages.

Senator Hammond said Ms. Reed's last comments answered his questions.

MOTION: Senator Denis moved approval of R106-15, R055-17, R075-17, and R076-17. Senator Atkinson seconded the motion. The motion carried. Assembly Members Carlton, Kramer, and Wheeler were not present for the vote.

Regulation 012-16

A REGULATION relating to wildlife; prohibiting a person from placing, maintaining or using a trail camera or similar device under certain circumstances; providing exceptions; and providing other matters properly relating thereto ([Agenda Item V A-7](#)).

Regarding trail cameras, Senator Goicoechea expressed concern about the waiver for private property and/or property water rights, because the private property owners and water rights holders will become enforcers. He said Nevada's Department of Wildlife (NDOW) has no jurisdiction on private property to remove illegally placed cameras, and he stated he wants to ensure it is not a criminal act for property owners to remove illegally placed cameras.

Tony Wasley, Director, NDOW, responded the issue of trail cameras was brought to the Board of Wildlife Commissioners (BWC), NDOW, by several counties, noting there can be as many as 27 cameras on one water source at a time. He explained because Nevada is the driest state in the country, tree coverage is not abundant; therefore, there is a predictable distribution of wildlife, and many customers and constituents in recreational pursuit of the animals take advantage of that predictable distribution and use cameras. Through the BWC workshop process, there was an interest from the livestock industry to maintain tools it relies on to monitor the distribution of livestock and livestock water use. He explained the regulation began as broad coverage specific to trail cameras. Out of the expressed desire by the livestock industry to protect its ability to use these tools to monitor animals and their water usage, the exemptions were included. Mr. Wasley said the exemption is similar to Nevada's aerial scouting laws wherein it is unlawful for individuals to use aircraft to scout for big game; however, there are exemptions for the livestock industry for the use of aircraft to locate its animals on the range. The exemption is intended to protect those activities. He deferred to

Tyler Turnipseed, Chief Game Warden, NDOW, regarding potential liabilities for private property and livestock owners as a result of the approval of R012-16.

Senator Goicoechea interjected that almost every map delineates private property in white. He asked whether NDOW may remove a trail camera from private property with the regulation as written.

Mr. Turnipseed indicated it would be up to NDOW to know whether cameras are on private or public property before removing them. With the private property exemption, NDOW would not have jurisdiction over a camera placed on private property, which emanated from the BWC not wanting to have to tell property owners what they could or could not put on their land.

Senator Goicoechea reiterated his concern about property owners being put at risk for removing others' cameras from their property.

Mr. Turnipseed surmised it would be up to property owners whether they wanted cameras on their property.

Senator Goicoechea let it be known he would be voting no on the regulation because it impacts private property owners.

MOTION: Senator Denis moved approval of R012-16. Vice Chair Benitez-Thompson seconded the motion. The motion was not approved. Assembly Members Carlton, Kramer, and Wheeler were not present for the vote.

Senator Goicoechea requested a motion to delay or return the regulation.

The previous motion by Senator Denis and the previous second by Vice Chair Benitez-Thompson to approve R012-16 were rescinded.

Chair Frierson announced the regulation would be sent back to the BWC for further discussion.

Senator Goicoechea remarked he would like to see clarified language in the regulation so private property owners have the ability to legally remove cameras from their properties.

Mr. Turnipseed expressed NDOW's willingness to work with Senator Goicoechea regarding the revisions.

Chair Frierson stated a motion to delay the regulation is not necessary.

Regulation 007-17

A REGULATION relating to controlled substances; revising provisions relating to the partial filling of certain controlled substances; and providing other matters properly relating thereto ([Agenda Item V A-8](#)).

Regarding paragraph (a) of subsection 1 of Section 1, Senator Denis asked under what circumstances would a prescription be partially filled.

Paul Edwards, General Counsel, State Board of Pharmacy (SBP), explained a change in regulations was made to be consistent with federal law. The circumstance under which a partial prescription would be filled is if a patient desires to try a medication for fewer than 30 days before committing to a full 30-day prescription. Currently, a 30-day prescription must be filled within 72 hours; otherwise, it is forfeited. The change in regulation gives patients a longer period of time to decide whether they want to continue with the medication and without forfeiting the entire prescription. He confirmed the change would also be beneficial to patients who are constantly on medication and when the pharmacy does not have enough medication on hand to fill a 30-day prescription.

Chair Frierson announced the Pharmacy regulations would be heard together.

Regulation 045-17

A REGULATION relating to controlled substances; revising provisions relating to the transmission of information regarding the dispensing of controlled substances to certain persons; and providing other matters properly relating thereto ([Agenda Item V A-9](#)).

Discussion ensued between Senator Denis and Mr. Edwards regarding the inclusion of Schedule V drugs to the regulation and the status of the Prescription Monitoring Program (PMP) under the SBP.

Mr. Edwards confirmed the amended regulation relates to the requirement in AB 474 (Chapter 605, *Statutes of Nevada 2017*) to add Schedule V drugs to the list of controlled substances that need to be reported to the PMP.

Mr. Edwards reported compliance with the PMP has risen substantially, and it will be 100 percent by the next renewal period because AB 474 makes registration with the PMP a prerequisite to renewing a controlled substance. Practitioners who want to retain the ability to write controlled substance prescriptions will have to be registered with the PMP.

Mr. Edwards stated there is no hard data to support, either way, whether some prescribers are choosing not to prescribe controlled substances as a result of AB 474. He added the SBP is hearing some complaints about the PMP, but the

SBP is unsure of the degree of the problem; regardless, the SBP is addressing those concerns by dispelling some of the myths about the PMP and by making suggestions on how practices can comply. He added that a vast majority of practitioners agree compliance is workable, even though it is an additional load on their practices. Mr. Edwards said once practitioners are disabused of some of the misinformation that is out there, most of them seem to be comfortable with moving forward.

Regulation 046-17

A REGULATION relating to controlled substances; establishing the required contents of certain prescriptions; revising the required contents of certain prescriptions; revising provisions concerning the authority of a pharmacist and pharmaceutical technician to make changes to such prescriptions; providing other matters properly relating thereto ([Agenda Item V A-10](#)).

Senator Denis referred to the deleted language in subsection 1 of Section 1 regarding the oral and electronic transmission of controlled substance prescriptions. He asked whether the SBP is simply cleaning up the language or removing the ability to electronically prescribe controlled substance prescriptions.

Mr. Edwards replied the deletion is cleanup language and practitioners have had the ability to electronically prescribe controlled substances and dangerous drugs since 2012; therefore, there are no drug categories that cannot be electronically prescribed in Nevada. The change simply brings the regulation up to date to reflect that electronic subscribing is allowed—it does not remove the ability to write electronic prescriptions. He confirmed Schedule II prescription drugs can also be prescribed electronically. Mr. Edwards explained that, originally, regulations limited electronic prescriptions to Schedule III through V controlled substances and for all dangerous drugs, but in 2012, a regulatory amendment removed that restriction; therefore, Schedule II through V controlled substances may be electronically prescribed.

MOTION: Senator Denis moved approval of R007-17, R045-17, and R046-17. Assemblyman Oscarson seconded the motion. The motion carried. Assembly Members Carlton, Kramer, and Wheeler were not present for the vote.

B. Request by State Emergency Response Commission to Continue Regulation Not Adopted Within Two Years After Submission to the Legislative Counsel (NRS 233B.040)

Bart J. Chambers, Chief, State Fire Marshall Division, Department of Public Safety (DPS), and Member, State Emergency Response Commission (SERC), stated the purpose of SERC's presence is to request an extension for the continuance of work on regulations in Chapter 459 ("Hazardous Materials") of NAC.

Chair Frierson explained the statute requires a reason for the regulation's delay.

Mr. Chambers said the reasons for the delayed regulation have to do with numerous vacancies and changes with SERC staff and his predecessor's retirement. All positions have been filled and SERC is now moving forward.

MOTION: Assemblyman Oscarson moved approval of the State Emergency Response Commission's request for continuance of regulations not adopted within two years after submission to the Legislative Counsel. Senator Ford seconded the motion. The motion carried. Assembly Members, Carlton, Kramer, and Wheeler were not present for the vote.

C. Authorization for Director to Enter Into a Contract for the Establishment of the Reporting System Required by ACR 12 (2017), Which Allows a Person to Submit a Confidential Report of Alleged Harassment or Other Prohibited Conduct

Rick Combs, previously identified, provided background information on the need for establishing a reporting system that allows a person to submit a complaint for violation of the Anti-Harassment Policy, as well as other rules, without identifying himself or herself, in accordance with Assembly Concurrent Resolution 12 (File 44, *Statutes of Nevada 2017*). He reported that, after extensive research into alternatives by the Legal Division, the LCB recommends a contract with Van Dermeyden Maddux Law Corporation, an investigations law firm with offices in California and Nevada, to build and maintain the Nevada Legislature's complaint intake process and independently investigate allegations of harassment.

Mr. Combs explained the law firm would establish a dual system consisting of a telephone hotline and an online complaint portal. The online portal would be valuable during an investigation if documents needed to be transferred to an investigator, which could be done without disclosing the complainant's identification. It would also allow an investigator to continue a dialogue with that person on an ongoing basis, rather than a single phone conversation. Another benefit of the online complaint portal is early reporting, which often leads to early and efficient resolutions. The system would also add an outside, neutral party to monitor and respond to complaints, and it would capitalize on the experience this firm has in investigations of sexual harassment and other prohibited conduct. He indicated the anticipated cost of the system could be negotiated for approximately \$15,000. In addition, there would be an ongoing annual maintenance cost of \$5,000 for the online complaint portal that would be included in the LCB's annual budget request. Additional comments and information regarding the system and a copy of ACR 12 were provided ([Agenda Item V C](#)).

Chair Frierson stated that during the 2017 Session, Senator Ford and he worked through challenges in their attempts at creating an atmosphere where individuals in

the Legislature felt safe with reporting allegations of sexual harassment and misconduct. He thanked Senator Ford and other colleagues for their efforts in bringing forth ACR 12 and facilitating its passage. Chair Frierson agreed with Mr. Combs' comments regarding Van Dermyden Maddux's reputation and track record that would allow the LCB to implement a change in the culture of the Legislature in a timely manner. Chair Frierson shared that the passage of ACR 12 and its implementation is of the utmost importance for the Legislature, and he fully supports authorization for the LCB to enter into the contract.

Senator Ford reiterated Chair Frierson's comments. He said he is pleased with the LCB's work on implementing the requirements of ACR 12, and he expressed his confidence in Van Dermyden Maddux. Senator Ford encouraged the Commission's support of the request to enter into the contract.

Vice Chair Benitez-Thompson asked for the system's projected start date, if the request is approved, and whether the complaint hotline and online portal would be available simultaneously or whether they would have different start dates.

Brenda J. Erdoes, previously identified, said the LCB would expect the hotline to become available shortly after the approval of the contract, but the online portal could take up to two months due to software installation and testing.

Mr. Combs interjected that Van Dermyden Maddux established and maintains a similar complaint system under contract with the California State Senate.

Responding to Vice Chair Benitez-Thompson's question regarding easy access to the system, Mr. Combs said the ability to transition from the Legislature's website to the system's website would eventually be implemented.

Senator Goicoechea asked whether the investigations would be billed on an hourly basis, to which Mr. Combs replied the law firm would charge its normal, hourly rates. However, as part of the contract, the law firm would first determine whether an investigation is warranted and then the LCB would have three options: (1) allow the law firm to conduct the investigation; (2) conduct the investigation in house; or (3) go with a third party.

MOTION: Senator Ford moved approval to allow the Legislative Counsel Bureau to enter into a contract for the establishment of the reporting system required by ACR 12. Vice Chair Benitez-Thompson seconded the motion. The motion carried. Assembly Members Carlton, Kramer, and Wheeler were not present for the vote.

AGENDA ITEM VI—APPOINTMENTS OF MEMBERS TO COMMITTEES AND OTHER ENTITIES

A. Nevada Silver Haired Legislative Form (NRS 427A.320) ([Agenda Item VI A](#))

Rick Combs, previously identified, stated there are two requested appointments to the Nevada Silver Haired Legislative Forum (NSHLF). The first recommendation is by Senator Hardy, Senate District 12, to appoint Ross Johnson. The second recommendation is from Senator Julia Ratti, Senate District 13, to appoint Lucille Adin.

MOTION: Senator Ford moved approval to appoint Ross Johnson and Lucille Adin to the Nevada Silver Haired Legislative Forum. Senator Atkinson seconded the motion. The motion carried. Assembly Members Carlton, Kramer, and Wheeler were not present for the vote.

Rick Combs, previously identified, personally thanked Mary Shope, Coordinator, NSHLF, Administrative Division, LCB, for her many years of service and dedication to the NSHLF, as she will be retiring in a few days.

Chair Frierson echoed Mr. Combs' remarks.

B. Nevada Commission on Aging (NRS 427A.032) ([Agenda Item VI B](#))

Mr. Combs explained one member of the Senate and one member of the Assembly are appointed to the Nevada Commission on Aging. Due to the resignation of Senator Becky Harris, Senate District 9, the Commission is required to appoint a member of the Senate to the Nevada Commission on Aging.

Chair Frierson nominated Nicole J. Cannizzaro, Senate District 6, to the Nevada Commission on Aging.

MOTION: Senator Denis moved approval of the appointment of Senator Cannizzaro to the Nevada Commission on Aging. Senator Ford seconded the motion. The motion carried. Assembly Member Carlton, Kramer, and Wheeler were not present for the vote.

C. Legislative Commission's Subcommittee to Review Regulations (NRS 233B.067) ([Agenda Item VI C](#))

Chair Frierson stated there is no requirement to fill a vacancy on the Subcommittee, and, currently, the Subcommittee has exceeded its statutorily required minimum number; therefore, he is not inclined to appoint an additional member.

D. Commission on Ethics (NRS 281A.200) ([Agenda Item VI D](#))

Mr. Combs noted the Commission voted to fill the current vacancy on the Commission on Ethics with former Assemblywoman April Mastroluca at its December 19, 2017, meeting. However, it was determined there was a conflict, and she would not be able to serve. He stated the appointee must be a former public officer or former public employee, cannot be a registered Republican, is not required to nor is prohibited from being an attorney, and can be a resident of any county in Nevada.

Chair Frierson nominated former Assemblywoman Marilyn Dondero Loop to the Commission on Ethics.

MOTION: Senator Atkinson moved approval of the appointment of Marilyn Dondero Loop to the Commission on Ethics. Senator Farley seconded the motion. Assembly Members Carlton, Kramer, and Wheeler were not present for the vote.

AGENDA ITEM VII—INFORMATIONAL ITEMS

Senator Denis stated he had questions pertaining to informational item B (9).

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

B. Miscellaneous Reports or Correspondence From State Agencies and Others:

1. Washoe County School District, Report Regarding Contracts With Construction Managers at Risk (CMAR) Pursuant to Section 14.5 of A.B. 283 (2013 Session)
2. Annual Report of City of Reno Tourism Improvement Districts (TID) Pursuant to NRS 271A.105
3. Las Vegas Metropolitan Police Department (LVMPD) Forensic Laboratory DNA Services to Southern Nevada for Clark, Esmeralda, Lincoln, and Nye Counties on Sexual Assault Kits:
 - a. Sexual Assault Kits Received Before January 1, 2015
 - b. Sexual Assault Kits Collected After January 1, 2015—Completed in 2017
 - c. Sexual Assault Kits Collected After January 1, 2015—Not Completed
4. Nevada System of Higher Education (NSHE) Report on Differential Program Fees for Fiscal Year 2017 Pursuant to NRS 396.542
5. Quarterly (Q2, 2018) and Annual (2017–2018) 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

6. Department of Health and Human Services and Department of Business and Industry, Report Concerning the Annual Evaluation of Programs of Energy Assistance Pursuant to NRS 702.280(2)(c)
7. Department of Public Safety, Director's Office, Report on the Implementation of AB 239 (2015 Session)
8. Department of Motor Vehicles, Annual Report Concerning Garages, Garage Operators, and Body Shops Pursuant to NRS 487.557
9. Public Utilities Commission of Nevada—Notice of General Consumer Sessions Conducted in Clark County on September 12, 2017, and Washoe County on September 14, 2017, Pursuant to NRS 704.069(2)

Senator Denis asked what types of questions were asked at the consumer sessions.

Garrett Weir, General Counsel, Public Utilities Commission of Nevada (PUCN), indicated three general consumer sessions were held in Clark, Elko, and Washoe Counties. He said although he does not have that information readily available, he would be happy to follow up with it. Mr. Weir added that copies of the meeting transcripts and consumer comments were provided to the LCB on a flash drive, as stated in a letter dated October 13, 2017, from the executive director of the PUCN, Stephanie Mullen, addressed to Rick Combs, previously identified ([Agenda Item VII B](#)).

Senator Denis clarified his primary questions are whether the public participated in the sessions and the types of comments that were made, noting the sessions are held annually and provide the public with the opportunity to express their concerns.

Mr. Weir stated he would report back to the Commission with that information.

Senator Goicoechea confirmed the session held in Elko County was standing room only when a rate case and the water system were discussed, and both Elko and Washoe Counties (and most rural areas) normally have high levels of participation.

10. Department of Health and Human Services, Division of Child and Family Services, SFY 2016–2017 Biennial Report to the Legislature on Programs for Assistance to Victims of Domestic Violence Pursuant to NRS 217.400 through 217.460
11. Commission on Homeland Security, 2017 Annual Report to Governor Pursuant to NRS 239C.200

12. Veterans Services Commission, 2018 Biennial Report (Recommendations) Pursuant to NRS 417.190
13. Interagency Council on Veterans Affairs, 2018 Biennial Report Pursuant to NRS 417.0195(8)

AGENDA ITEM VIII—PUBLIC COMMENT

Chair Frierson called for public comment.

Mona Lisa Samuelson, previously identified, expressed her concerns regarding the testing of concentrated marijuana and its effects on patients and the need for a medical marijuana patient (MMP) advocate. She explained the marijuana plant is tested for pesticides, but the concentrate is not, which is a safety issue, and MMPs cannot consume commercially available products due to pesticide levels. Ms. Samuelson said MMPs are fighting for their right to grow more of their own marijuana. Noting her contributions during the workshops for the Governor's Task Force on the Implementation of Ballot Question 2: The Regulation and Taxation of Marijuana Act, she requested of the Commission to be made a member on the Advisory Commission on the Administration of Justice's Subcommittee on the Medical Use of Marijuana (NRS 176.01247) as a patient advocate. Ms. Samuelson asked the Commission to keep in mind that MMPs are still in need of legislative protection.

The following documents were submitted for the record:

1. A letter dated February 27, 2018, by Andrea Ambrose Lobato, SVP of Compliance and Government Affairs, Eaze Solutions, LLC, San Francisco, California ([Agenda Item VIII A](#)); and
2. A letter dated February 26, 2018, by Sam Mori, President, Nevada Cattlemen's Association, Elko, Nevada ([Agenda Item VIII B](#)).

AGENDA ITEM IX—ADJOURNMENT

There being no further business to come before the Commission, the meeting was adjourned at 1:32 p.m.

Respectfully submitted,

Debbie Gleason
Secretary for Minutes

APPROVED BY:

Assemblyman Jason Frierson, Chair
Legislative Commission

MEETING MATERIALS

AGENDA ITEM	WITNESS/ENTITY	DESCRIPTION
<u>Agenda Item II A</u>	Jefferson W. Boswell, Esq., Peel Brimley LLP, Henderson, Nevada	Letter dated January 15, 2018
<u>Agenda Item II B</u>	Rafael Arroyo, representative, Smog Plus DMV Services, Las Vegas, Nevada	Letters and communication exchanges
<u>Agenda Item II C</u>	Karen Boeger, Member and Board Policy Chair, Backcountry Hunters & Anglers, Reno, Nevada	Letter dated February 26, 2018
<u>Agenda Item II D</u>	Barry Smith, Executive Director, Nevada Press Association, Carson City, Nevada	Letter dated February 26, 2018
<u>Agenda Item II E</u>	Brett H. Pojunis, Former Chair, Libertarian Party of Nevada	Letter dated January 17, 2017
<u>Agenda Item II F</u>	Mark Bradley, Chief Executive Officer (CEO), Green Leaf Farms, Inc. and CEO, Player's Network, Inc.	Written comments
<u>Agenda Item IV A-1</u>	Rocky Cooper, Legislative Auditor, Audit Division, Legislative Counsel Bureau (LCB)	Letter dated January 17, 2018
<u>Agenda Item IV A-2</u>	Rocky Cooper, Legislative Auditor, Audit Division, LCB	Summary Report: Hearings Division, Department of Administration (DOA)
<u>Agenda Item IV A-3</u>	Rocky Cooper, Legislative Auditor, Audit Division, LCB	Summary Report: Victims of Crime Program, DOA
<u>Agenda Item IV A-4</u>	Rocky Cooper, Legislative Auditor, Audit Division, LCB	Summary Report: Housing Division, Department of Business and Industry
<u>Agenda Item IV A-5</u>	Rocky Cooper, Legislative Auditor, Audit Division, LCB	Summary Report: Records, Communications and Compliance Division, Information Security, Department of Public Safety

<u>Agenda Item IV A-6</u>	Rocky Cooper, Legislative Auditor, Audit Division, LCB	Summary Report: Adult Mental Health Services, Community-Based Living Arrangement Homes, Division of Public and Behavioral Health
<u>Agenda Item IV A-7</u>	Rocky Cooper, Legislative Auditor, Audit Division, LCB	Summary Report: Review of Guidelines for Licensing Children's Facilities— January 2018
<u>Agenda Item IV A-8</u>	Rocky Cooper, Legislative Auditor, Audit Division, LCB	Letter dated January 17, 2018
<u>Agenda Item IV A-9</u>	Rocky Cooper, Legislative Auditor, Audit Division, LCB	Reports analysis
<u>Agenda Item V A-1</u>	Legal Division, LCB	List of administrative regulations
<u>Agenda Item V A-2</u>	Legal Division, LCB	Adopted Regulation of the Department of Taxation, LCB File No. 092-17
<u>Agenda Item V A-3</u>	Legal Division, LCB	Adopted Regulation of the State Board of Education (SBE), LCB File No. 106-15
<u>Agenda Item V A-4</u>	Legal Division, LCB	Adopted Regulation of the SBE, LCB File No. 075-17
<u>Agenda Item V A-5</u>	Legal Division, LCB	Adopted Regulation of the SBE, LCB File No. 076-17
<u>Agenda Item V A-6</u>	Legal Division, LCB	Adopted Regulation of the SBE, LCB File No. 055-17
<u>Agenda Item V A-7</u>	Legal Division, LCB	Adopted Regulation of the Board of Wildlife Commissioners (BWC), LCB File No. 012-16

<u>Agenda Item V A-8</u>	Legal Division, LCB	Adopted Regulation of the State Board of Pharmacy (SBP), LCB File No. 007-17
<u>Agenda Item V A-9</u>	Legal Division, LCB	Adopted Regulation of the SBP, LCB File No. 045-17
<u>Agenda Item V A-10</u>	Legal Division, LCB	Adopted Regulation of the SBP, LCB File No. 046-17
<u>Agenda Item V A-11</u>	Legal Division, LCB	Adopted Regulation of the BWC, LCB File No. 144-15
<u>Agenda Item V A-12</u>	Legal Division, LCB	Adopted Regulation of the Nevada State Board of Veterinary Medical Examiners, LCB File No. 110-16
<u>Agenda Item V A-13</u>	Legal Division, LCB	Adopted Regulation of the BWC, LCB File No. 134-17
<u>Agenda Item V C</u>	Rick Combs, Director, LCB	Comments, information, and copy of Assembly Concurrent Resolution 12 (File 44, <i>Statutes of Nevada 2017</i>)
<u>Agenda Item VI A</u>	Mary Shope, Coordinator, Nevada Silver Haired Legislative Forum, Administrative Division, LCB	Memorandum dated February 20, 2018
<u>Agenda Item VI B</u>	Rick Combs, Director, LCB	Appointment to Nevada Commission on Aging (NRS 427A.032)
<u>Agenda Item VI C</u>	Rick Combs, Director, LCB	Appointment of Member of the Legislative Commission's Subcommittee to Review Regulations (NRS 233B.067)

<u>Agenda Item VI D</u>	Rick Combs, Director, LCB	Appointment of Member to the Commission on Ethics (NRS 281A.200)
<u>Agenda Item VII B</u>	Stephanie Mullen, Executive Director, Public Utilities Commission of Nevada	Letter dated October 13, 2017
<u>Agenda Item VIII A</u>	Andrea Ambrose Lobato, SVP of Compliance and Government Affairs, Eaze Solutions, LLC, San Francisco, California	Letter dated February 27, 2018
<u>Agenda Item VIII B</u>	Sam Mori, President, Nevada Cattlemen's Association	Letter dated February 26, 2018

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