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

The Legislative Commission held its second meeting in Calendar Year 2018 on Wednesday, May 16, 2018. The meeting began at 8:45 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 Kelvin D. Atkinson
Senator Nicole J. Cannizzaro for Senator Aaron D. Ford
Senator Moises (Mo) Denis
Senator Patricia Farley
Senator Pete Goicoechea for Senator Scott T. Hammond
Senator James A. Settelmeyer for Senator Ben Kieckhefer
Assemblywoman Maggie Carlton
Assemblyman Chris Edwards for Assemblyman James Oscarson
Assemblyman John Hambrick for Assemblyman Jim Wheeler
Assemblyman Keith Pickard

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
Kevin C. Powers, Chief Litigation Counsel, Legal Division
Michael J. Stewart, Research Director, Research Division
Debbie Gleason, Research Policy Assistant, 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, medical marijuana patient advocate, community activist, and resident, Las Vegas, Nevada, argued that: (1) marijuana products produced in Nevada are not safe for consumption; (2) the recreational marijuana industry's needs have been prioritized over the needs of medical marijuana patients; and (3) there is a need for a medical marijuana subcommittee. She provided a list of reasons why marijuana products made in Nevada are unsafe for consumption (Agenda Item II A).

Jane Heenan, representative, Gender Justice Nevada, Las Vegas, spoke in support of R090-17 (Agenda Item VI A-9) that eliminates the requirement for individuals to provide medical documentation to the Department of Motor Vehicles (DMV) in order to change their gender on driver's licenses and other state-issued identification.

Paul Young, representative, Pharmaceutical Care Management Association (PCMA), Washington, D.C., informed the Commission that PCMA is working on technical comments concerning R042-18 (Agenda Item VI B) that will be ready for the May 31, 2018, hearing by the Department of Health and Human Services (DHHS).

AGENDA ITEM III—APPROVAL OF MINUTES OF THE FEBRUARY 27, 2018, MEETING

MOTION: Senator Atkinson moved approval of the minutes of the February 27, 2018**,** meeting. Assemblywoman Carlton seconded the motion. The motion carried.

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 May 2, 2018, from Assemblywoman Benitez-Thompson, Chair, Audit Subcommittee of the Legislative Commission (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:

Single Audit of the State of Nevada (Agenda Item IV A-2)

The Single Audit is required by the federal government. Requirements include the state's financial statements and federal program compliance. The Single Audit for Fiscal Year (FY) 2017 was conducted by the certified public accountant firm of Eide Bailly, LLP, under contract with the Legislative Auditor. Eide Bailly issued an unqualified or clean opinion on the state's financial statements, meaning the financial statements conform with generally accepted accounting principles. The Audit contained three findings related to internal control over financial reporting. In addition, the auditor reported that the required schedule of expenditures for federal awards totaling approximately $5.4 billion for 2017 is fairly stated. This year's Single Audit report includes 37 findings related to internal control over compliance with federal program requirements—compared to 43 findings in the prior year.

Division of Financial Institutions, Department of Business and Industry (Agenda Item IV A-3)

This audit focuses on the Division's regulatory activities over nondepository institutions. Overall, the Division improved in several areas since its last audit and effectively ensured regulatory compliance on nondepository institutions. The Division completed examinations when required, ensured licensees submitted required fees and reports timely, and took prompt action regarding examination violations and consumer complaints. The audit identified several areas in need of improvement, including documentation of the work performed during an examination and the accuracy of reporting the scope of work performed. For example, in 19 percent of the examination reports reviewed, the stated loan population and sample size was not accurately declared. Other areas of needed improvement include enhancing written policies and procedures regarding the examination process and formalizing policies and procedures related to the follow-up process for licensees that receive a less than satisfactory examination. The audit also reported on the benefits of a centralized tracking system for payday loans. The Division accepted all five recommendations.

Bureau of Safe Drinking Water, Division of Environmental Protection, (Agenda Item IV A-4)

The purpose of this audit was to determine whether the Bureau is effective in regulating the quality of drinking water in Nevada. The audit determined the Bureau ensures Nevadans are provided with safe and reliable drinking water. The Bureau effectively supervises public water systems and water quality testing laboratories through regular monitoring of water quality samples, facility inspections, and permitting. For example, the Bureau reviews water samples (sometimes hundreds per month) and ensures any problems are resolved timely. The 30 water facility inspections reviewed by the Audit Division were thorough, and most issues were resolved timely. In addition, the Bureau performs proficiency testing to ensure the accuracy of water quality testing conducted by the laboratories. The 28 on-site laboratory inspections reviewed by the Audit Division were comprehensive, and any issues were resolved timely. The Bureau has an extensive process for certifying

laboratories. The Audit Division's testing identified some timeliness and follow-up issues for certain activities, which the Bureau is working to address. Lastly, the Bureau was proactive in providing information to school districts regarding a new voluntary project to test lead in school drinking water. However, at the time of the audit, most school districts had not taken advantage of this project funded by a two-year federal grant. After the project's first year, many schools have not been tested for lead. More recent information from the Bureau indicates that about 80 percent of elementary schools have now been tested. Most of the untested schools are in rural Nevada, and 18 state-sponsored charter schools had not been tested. The Bureau accepted the three audit recommendations.

Director's Office, Department of Health and Human Services (Agenda Item IV A-5)
This audit included a review of grant awards and payments made in FYs 2016 and 2017. The audit indicated the Director's Office needs to improve controls over grant awards and payments. Grantees received payment for services that exceeded the cost to provide the service. Of four grants reviewed, grantees overstated personnel costs by $870,000. Of this, overpayments were made in the amount of $176,000 and $682,000 were improperly categorized as federal costs shared to obtain funding. Overpayments occurred partially because grantees were awarded federal funding for the same position across multiple grants that exceeded 100 percent of the employee's time and effort. In addition, controls are needed over year-end payroll adjustments that resulted in overpayments of $12,000. For six other grants, the grant applications did not provide detail as required or specific information was not available to determine whether grantees were requesting inappropriate funding. Of 170 grant applications reviewed, 78 did not provide enough information, such as the name of the individual or position number, to determine whether grantees were requesting more than necessary to recover costs. One grantee received over $2 million in funding for salaries and benefits for one year but provided only minimal detail regarding the positions for employees being funded. The Director's Office accepted the eight audit recommendations.

Division of Industrial Relations, Department of Business and Industry (Agenda Item IV A-6)
In this audit the process for ensuring inspections of elevators, boilers, and mines was reviewed. The Division's processes were inadequate. Specifically, 5,500 elevators and boilers were operating without required certificates indicating compliance with safety standards. Since operating certificates were not issued, sometimes for multiple inspection cycles, the Division did not collect an estimated $1.4 million in fees over the course of several years. Also identified were 90 elevator and boiler installations or modifications that were not inspected prior to being placed in service—some dating back to 2005. In addition, the Division is not ensuring code violations related to elevator and boiler operating safety are fixed or cleared in a timely manner. A review of 130 inspection violations found the Division is performing limited, if any, procedures to confirm violations are addressed. In 2015, the Division transferred elevator and boiler inspection responsibilities to third-party entities, but

has not developed sufficient guidance or provided oversight of these activities. Responsibilities were transferred around July 2015 in an effort to reduce the inspection backlog. However, many oversight activities outlined in regulations have not been implemented by the Division. Also, the Division does not have adequate management information to confirm annual mine inspections are performed. The management reports from the Division's database do not provide sufficient detail to readily identify whether required annual mine inspections are completed. Lastly, the Division was not monitoring whether violations for mine inspections are resolved appropriately and timely. The Division accepted all nine audit recommendations.

Review of Governmental and Private Facilities for Children, April 2018 (Agenda Item IV A-7)
The report includes the results of four facility reviews. Of the four reviews, two facilities provided reasonable assurance they adequately protect the health, safety, and welfare of the youths, and they respect the civil and other rights of youth in their care. However, two other facilities provided minimal assurance they adequately protect the health, safety, welfare, and civil and other rights of youth in their care. Significant deficiencies included inadequate medication administration, incomplete medication consent forms, inadequate policies- and procedures-related treatment plans, and incomplete or missing policies and procedures. Observations at the two facilities were reported to their licensing agencies pursuant to Senate Bill 189 (Chapter 587, *Statutes of Nevada 2017*). The legislation requires the Legislative Auditor to provide a report to the licensing entity of a facility found to have deficiencies that could be detrimental to children in its care.

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

MOTION: Assemblywoman Carlton moved approval of the summaries of the six audit reports presented to the Legislative Commission's Audit Subcommittee. Senator Atkinson seconded the motion. The motion carried.

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)

Mr. Cooper identified a second letter from Assemblywoman Benitez-Thompson, Chair, Audit Subcommittee of the Legislative Commission (Agenda Item IV B) indicating that a six-month report was reviewed on May 2, 2018. Sufficient documentation was provided by the Medical Marijuana Establishment Program, Division of Public and Behavioral Health (DPBH), DHHS, and reviewed by the Audit Division. All recommendations are now fully implemented. The Audit Subcommittee recommends the Commission accept the six-month report.

MOTION: Assemblywoman Carlton moved approval of the six-month status report on the implementation of the audit recommendations by the Legislative Auditor as submitted to the Audit Subcommittee. Senator Atkinson seconded the motion. The motion carried.

AGENDA ITEM V—PROGRESS REPORT—LITIGATION CURRENTLY IN PROGRESS

Kevin C. Powers, previously identified, reported on the progress of seven cases currently in litigation.

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

This case involves a constitutional challenge to the Catalyst Account statutes. The district court held the plaintiff did not have standing to bring a constitutional challenge. The plaintiff appealed to the Nevada Supreme Court, which had scheduled oral arguments, but less than two weeks before the oral arguments, the plaintiff voluntarily dismissed the appeal. The Nevada Supreme Court entered an order dismissing that appeal and the case is closed.

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

A three-justice panel of the Nevada Supreme Court determined to dismiss the appeal because the Commission on Ethics had not complied with the Open Meeting Law before it authorized its counsel to file the appeal. The Commission on Ethics requested reconsideration before the full seven-member Nevada Supreme Court. The full seven-member Nevada Supreme Court accepted that petition for en blanc reconsideration, and the full Court held oral arguments in the case on March 5, 2018. The parties are awaiting a decision from the Nevada Supreme Court.

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

This case involves a federal preemption challenge to SB 223 (Chapter 345, *Statutes of Nevada 2015*). The federal district court said SB 223 was preempted by the Employee Retirement Income Security Act of 1974 (known as ERISA), which is the federal law governing employee retirement and pension plans. The case was appealed to the U.S. Court of Appeals for the Ninth Circuit. On March 12, 2018, the Ninth Circuit heard oral arguments, and the parties are awaiting a decision.

4. The homeowners' associations nonjudicial foreclosure super-priority lien statutes, United States District Court, District of Nevada, and Nevada Supreme Court:

These cases challenge the prior version of the statutes, which were amended in 2015. The question before the Nevada Supreme Court is whether these statutes required homeowners' associations to provide notice to mortgage lenders before the homeowners' associations acted on nonjudicial foreclosure of their super-priority liens. All parties have completed briefing. On March 21, 2018, the Nevada Supreme Court entered an order submitting the case for a decision on the parties' briefs without oral argument, and the parties are awaiting a decision.

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

This case involves the legislative continuance statute that provides the district courts, generally, must grant a continuance in a case if an attorney for the party is a legislator, and the continuance must last during the legislative session. The state district court found the statute was unconstitutional in violation of the separation of powers doctrine. On April 2, 2018, the Nevada Supreme Court heard oral arguments in the case, and the parties are awaiting a decision.

6. *Church v. Washoe County Commission*, Nevada Supreme Court:

The case is in the Nevada Supreme Court and is a challenge to Assembly Bill 375 (Chapter 557, *Statutes of Nevada 2017*). The legislation authorized a flood management authority to create a flood control project needs committee that, if created, could recommend the County Commission put a proposal for a tax increase on the ballot. The Truckee River Flood Management Authority created such a needs committee after the 2017 Session, and the committee recommended a ballot measure that would increase property taxes to pay for flood control projects along the Truckee River, which was submitted to the County Commission and is pending. The petitioners in the case filed an original action with the Nevada Supreme Court seeking to stop that question from being placed on the ballot claiming the legislation authorizing the needs committee to make the recommendation for a tax increase was unconstitutional. Instead of first proceeding in the district court, the plaintiffs went to the Nevada Supreme Court in an original action. On May 15, the Nevada Supreme Court denied the petition for writ of mandamus stating it would not exercise its discretionary authority. That case is closed; however, the plaintiffs could still proceed in district court.

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

This case is a challenge to SB 539 (Chapter 592, *Statutes of Nevada 2017*) that involved the drug transparency legislation with regard to essential diabetes drugs. In October 2017, the Legislature filed a motion for summary judgment claiming the

statutes were constitutional on their face. The plaintiffs filed a cross motion for summary judgment claiming the statutes were unconstitutional on their face. The parties are awaiting to hear from the federal district court to determine whether it will have an oral argument on the motions or whether the motions will be submitted and decided on the briefs without oral argument. On April 30, 2018, the DHHS issued a notice of intent to act upon proposed regulation R042-18 (Agenda Item VI B) to administer the challenge provisions of SB 539. Before the Commission today is an agenda item for early review and approval of R042-18. The DHHS will have a hearing on the regulation on May 31, 2018.

AGENDA ITEM VI—LEGISLATIVE COMMISSION POLICY

A. Review of Administrative Regulations Submitted Pursuant to NRS 233B.067 and NRS 233B.0675

Please see the attached list of regulations (Agenda Item VI A-1) to be considered. The list can also be accessed electronically at: http://www.leg.state.nv.us/Register/IndexesRegsReviewed/LCMtg_List_2018_May16.pdf.

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

R057-16, R162-16, R066-17, R120-17, R135-17, R143-17, R053-18, and R012-16.

MOTION: Senator Atkinson moved approval of R144-16, R145-16, R004-17, R031-17, R044-17, R067-17, R068-17, R085-17, R089-17, R090-17, R094-17, R109-17, R113-17, R117-17, R132-17, R138-17, R139-17, R140-17, R144-17, R145-17, R146-17, R155-17, R156-17, R002-18, R014-18, and R015-18. Assemblywoman Carlton seconded the motion. The motion carried.

Assemblywoman Carlton announced she no longer needed R143-17 held for discussion, because she had received the information she needed on the regulation from the Legal Division.

MOTION: Assemblywoman Carlton moved approval of R143-17. Senator Farley seconded the motion. The motion carried.

Regulation 057-16

A REGULATION relating to cancer; revising provisions relating to certain publications adopted by reference by the State Board of Health; revising provisions governing the system for reporting information on cancer and other neoplasms established and maintained by the Chief Medical Officer; establishing the amount and the procedure for the imposition of certain administrative penalties by the Division of Public and Behavioral Health of the Department of

Health and Human Services; and providing other matters properly relating thereto (Agenda Item VI A-2).

Julia Peek, M.H.A., DPBH, DHHS, provided an overview of the changes made to the regulation:

- Specific types of cancer that were to be reported have been removed, which align the regulation with national standards;

- The discipline for not reporting to the Nevada Central Cancer Registry was reduced from a criminal violation to an administrative penalty;

- Language related to reporting cancer was made more specific, which should alleviate many challenges experienced in the past; and

- The fee for the DPBH to abstract certain information on behalf of health care facilities increased from $32 to $250 due to it being a complex process; however, DPBH does not expect to provide abstract services going forward, because most facilities abstract their own information.

Other items that were addressed:

- Forms have been revised to be specialty specific so that the minimum amount of information is based on the specialty; and

- Health care providers and facilities may provide a patient information index that would allow the DPBH to see whether the patient is reported in the Registry, which would: (1) alleviate duplicate reporting; (2) help to minimize reporting barriers for providers and facilities; and (3) facilitate DPBH's reporting to the Centers for Disease Control (CDC).

Ms. Peek indicated DPBH received a substantial list of new cancer cases last month from a facility that had not reported in the past; therefore, DPBH is confident that, in the future, it will be able to report the number of cases required to be met according to CDC standards.

Vice Chair Benitez-Thompson asked for clarification regarding who or which entities are required to report cancer diagnoses.

Ms. Peek explained that whoever initially informs patients of their cancer diagnosis is required to report that information to the Registry. It would be unlikely that a nursing home, hospice, or other provider in that type of setting, would inform a patient of a cancer diagnosis; hence, the benefit of the patient information index allows DPBH to verify whether a case has already been reported. In addition, if it is revealed through a nursing home or hospice that a physician who made the initial

diagnosis did not report it to the Registry, DPBH would follow up with the physician, not the nursing home or hospice.

Referring to subsection 2 of Section 3, Vice Chair Benitez-Thompson asked whether the $5,000 fine is assessed against an individual or a facility.

Ms. Peek stated DPBH does not expect to collect any fines pursuant to this section, and it expects physicians and facilities will conduct their own abstracting. In addition, DPBH will be providing guidelines on how that section would be administered. If a provider fails to report, DPBH would likely abstract the case and charge the abstracting fee. Although DPBH has not abstracted any cases within the last five years, she said DPBH retained and raised the abstracting fee in case its services are requested by a physician or facility.

Ms. Peek clarified the patient index provided to DPBH by physicians and facilities is comprised of cancer patients only. She also indicated the fine for failure to report cancer cases would not be imposed unless multiple attempts made by DPBH have been unsuccessful.

Senator Goicoechea questioned the role the Health Insurance Portability and Accountability Act of 1996 (known as HIPAA) plays in relation to the fine for failing to report to the Registry.

Ms. Peek explained DPBH has several exemptions to the HIPAA law, including communicable diseases and reporting cancer cases; the information must be shared according to the law. Continuing, she clarified that although cancer is not communicable, the CDC puts out nationally notifiable conditions; therefore, cancer is required to be reported in every state. Without the information, drug trials and resources cannot be directed.

Vice Chair Benitez-Thompson requested clarification on subsection 2(b) of Section 15 that requires assessing the validity of findings by researchers before material may be published or released; she asked why the state would be in the position to make that determination.

Ms. Peek explained the regulation does not prohibit the publishing of the information; however, DPBH wants to review the findings prior to publication, and it wants to know the publication names in the event DPBH deems it necessary to provide a response or clarification. If findings are not approved by DPBH, it will not interfere with the publication of such information.

MOTION: Senator Atkinson moved approval of R057-16. Assemblywoman Carlton seconded the motion. The motion carried.

Regulation 135-17

A REGULATION relating to autonomous vehicle network companies; setting forth procedures for applying to the Nevada Transportation Authority for a permit to operate as an autonomous vehicle network company; establishing fees for such an application; establishing the amount of an annual regulatory assessment imposed on each autonomous vehicle network company; setting forth requirements for the operation of an autonomous vehicle network company and its vehicles; setting forth procedures for complaints against and by an autonomous vehicle network company; setting forth procedures governing practice before the Authority; authorizing the imposition by the Authority of certain administrative remedies against an autonomous network transportation company or an employee of such a company; and providing other matters properly relating thereto (Agenda Item VI A-3).

David Newton, Commissioner, Nevada Transportation Authority (NTA), Department of Business and Industry (B&I), stated R135-17 sets up the initial regulations for the autonomous vehicle network companies (AVNCs) authorized pursuant to AB 69 (Chapter 608, *Statutes of Nevada 2017*). He explained the regulation is broad in its scope because it is new. Approximately two-thirds of the regulation consists of the rules of practice for the AVNCs.

Senator Settelmeyer, referring to page 14 of the regulation, asked why AVNCs with an operating revenue of more than $16,000,000 would be charged an $800,000 assessment fee, noting the fee appears to be excessive.

Mr. Newton replied the fees are basically a placeholder. When the NTA proposed its regulations for the transportation network companies (TNCs), the fees were initially set up based on a percentage because collected fees are tied to actual costs associated with regulating the industry. That structure caused more consternation than the tiered system, which is being proposed in R135-17. If it is found the fees are in excess of what the NTA has experienced or expects to experience in terms of regulating the industry, it will submit a regulation to adjust the fees as regulating expenses dictate. He noted the assessment figures were negotiated with stakeholders two or three times during the process.

In addressing Senator Settelmeyer's concern that the money could potentially be allocated to fund unnecessary staff positions, Mr. Newton explained because there are no AVNC regulatory models to follow from other states and the NTA is unsure of projected regulatory expenses, the figures are simply a starting point. He offered assurances the NTA is not planning on adding staff just because it has the money to do so, pointing out that TNC staff positions have been adjusted according to regulation needs. Mr. Newton said the NTA does not expect the need for a great deal of enforcement activity for AVNCs, especially on the impoundment side, as opposed to TNCs and other types of carriers in Nevada.

Assemblyman Pickard concurred with Senator Settelmeyer's concerns. He surmised the market participants agreed with the annual regulatory assessment.

Mr. Newton confirmed that during the workshops, after hearing input from Lyft, Uber, Waymo, and other unidentified entities interested in the industry, the initial figures were adjusted down, and the NTA has not received negative feedback since.

In response to Assemblyman Pickard's query about whether the regulation sufficiently addresses emerging issues, such as accidents involving semiautonomous vehicles, Mr. Newton explained AB 69 includes a split system of regulation. The DMV is responsible for ensuring the vehicles meet certain requirements, and the NTA is responsible for regulating the vehicles when offered as part of a fleet to provide transportation for hire within Nevada. Mr. Newton conjectured the DMV's regulation would be ready before the Commission's next meeting, and he does not anticipate any major revisions from what was decided after the DMV's workshop two weeks prior.

Assemblywoman Carlton referred to subsection 2 of Section 48 on page 21, which allows the NTA to charge twice the base rate in the case of an emergency and asked why that would be allowed.

Mr. Newton stated that was a point of negotiation in the regulation process, and it was decided AVNCs would be allowed to charge up to twice the normal rate. He said TNCs are forbidden to charge above their normal rate if an emergency is declared by the Governor.

Assemblywoman Carlton said that was inappropriate, and if the state reaches the level of the Governor declaring an emergency, people should not be profiting from it.

Discussion between Chair Frierson and Mr. Newton focused on surge pricing. It was determined there is no cap on surge pricing for TNCs; therefore, because TNCs are prohibited from increasing their rates during a declared emergency, allowing AVNCs to charge up to twice the normal fare in an emergency is somewhat predatory.

Assemblyman Edwards posed the following questions: (1) what is being regulated if the vehicles are autonomous; (2) how is the excess regulatory assessment managed; and (3) at what point is the assessment reduced, if it is determined the assessments exceed regulatory costs.

Mr. Newton explained that in terms of what is being regulated, the NTA sees it more as an auditing function rather than an enforcement function similar to what is done with most of the other carriers. Because a driver is not involved, the NTA does not anticipate the same corners being cut, and it does not expect unregulated or unlicensed entities attempting to operate. Regarding managing excess assessment

money, he anticipates the money would be refunded or credited back to the AVNCs, as has been done with TNCs.

Chair Frierson expressed concerns that if AVNCs are not allowed to increase fares during a declared emergency, they may opt to not provide services; yet, there is also the concern that if R135-17 is approved, AVNCs would be authorized to charge up to twice the normal fare. He said he shares Assemblywoman Carlton's discomfort and would like the regulation to be mulled over a bit more to determine whether this is appropriate in an emergency. Chair Frierson told Mr. Newton that members of the Commission would be happy to discuss their concerns with him, and he deferred the regulation.

Regulation 162-16

A REGULATION relating to interscholastic activities; designating flag football as a sanctioned sport for girls; setting forth the maximum number of games and tournaments in which a school or pupil enrolled in a school may participate during a flag football season; setting forth certain other requirements for a school or pupil enrolled at a school to participate in flag football as a sanctioned sport; and providing other matters properly relating thereto (Agenda Item VI A-4).

Senator Settelmeyer questioned the need for the high level of detail relating to certain requirements, such as establishing the practice season at least two years prior to the beginning of the season; ten days of team practice; adequate places for portable heaters at all locations, and so on.

Paul Anderson, Legal Counsel, Nevada Interscholastic Activities Association (NIAA), introduced himself and Bart Thompson, Executive Director, NIAA. He explained R162-16 is aligned with all other regulations by the NIAA in terms of the number of practices and scrimmages that may take place before competitions and facilities' requirements in order to host regional state competitions.

Senator Denis asked whether: (1) the season schedule for girls flag football would be during winter; (2) does the regulation prohibit girls from playing tackle football; and (3) may girls play both sports.

Mr. Anderson confirmed girls flag football is a winter sport in Clark County that replaces girls soccer. In order to unite the state, a few years prior, the NIAA moved girls soccer into the fall. He stated girls may participate in tackle football in the fall and flag football in the winter.

Assemblyman Pickard wanted to know: (1) whether districts and schools are required to expend funds on sanctioned sports or are the proceeds generated by individuals; and (2) what is the process for a district or school to sponsor an NIAA sanctioned sport.

Mr. Thompson explained that although the NIAA sanctions a number of sports, none of the member schools are required to participate in those sports. As far as sponsoring a sanctioned sport, he said the decision-making process is unique to each district and school.

Responding to Assemblyman Hambrick's question as to whether the state has any oversight of the rules and regulations of sanctioned sports, Mr. Thompson confirmed the NIAA uses the rules established by the National Federation of State High School Associations (NFSH); however, for those sports regarding which the NFSH has not written rules, such as girls flag football, the NIAA has established rules for that sport. He indicated the NIAA only supervises sports that are engaged in by NIAA member schools within the NIAA season.

MOTION: Senator Atkinson moved approval of R162-16. Senator Settelmeyer seconded the motion. The motion carried.

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 VI A-5).

Jack Robb, Deputy Director, Nevada's Department of Wildlife (NDOW), explained R012-16 was brought before the Commission at the February 27, 2018, meeting wherein Senator Goicoechea expressed certain concerns. Since then, NDOW has met multiple times with Senator Goicoechea and other stakeholders, namely, the Nevada Cattlemen's Association and other county advisory boards, to manage wildlife. He said many questions have been answered, and the regulation has not been amended.

Senator Goicoechea made two points: (1) the regulation is not clear, but it has been established that private property owners can contact NDOW for the removal of illegal trail cameras; and (2) the season does not apply to private property and private water rights as well as the exemptions for the state or others to place those cameras on private property without permission.

Tyler Turnipseed confirmed NDOW could be of assistance to landowners and water rights owners on private land for the removal of unauthorized trail cameras. He explained NDOW did not want landowners or water rights owners to be responsible for removing illegal trail cameras. Regarding the exemption, he said the Board of Wildlife Commissioners included a private property exemption so as not to dictate what private landowners could do on their property.

MOTION: Senator Goicoechea moved approval of R012-16. Assemblywoman Carlton seconded the motion. The motion carried.

Regulation 066-17

A REGULATION relating to agricultural hemp seed; setting forth the requirements for certification by the State Department of Agriculture of a crop of agricultural hemp seed; requiring the Department to charge and collect certain fees; providing for a refund of those fees under certain circumstances; and providing other matters properly relating thereto (Agenda Item VI A-6).

Referring to subsection 3 of Section 10, Senator Settelmeyer suggested that in an effort to protect the hemp industry, it appears the regulation obtrudes on private property rights by going too far regarding hemp crop isolation distances. He asked what, if any, other crops are subjected to the same distances and, specifically, what is the grow distance for marijuana crops.

Tessa Rognier, Agriculturist III, State Department of Agriculture (SDA), explained the exclusion distances were put in place to maintain the varietal characteristics of industrial hemp. Currently, there is no data to determine how far industrial hemp migrates. Other industrial hemp states, such as Oregon, started with a three-mile isolation distance that has since increased to five miles. If the regulation is approved, the SDA would require a five-mile isolation distance between hemp and marijuana crops. She shared the SDA will be conducting pollen studies this summer. Ms. Rognier further explained that a field of industrial hemp with male and female plants could contain as many as 4,000 plants per acre, which is a lot of pollen, noting Nevada is also a windy state. She said because Nevada does not have any varieties of certified seed, it is importing all seed from Colorado, Oregon, and the European Union, which do not do as well in Nevada as anticipated. She indicated the SDA is establishing a program to stabilize the varietal characteristics and produce seeds that are better suited for Nevada's climate.

Senator Settelmeyer reiterated his concern about the distance, noting for a fledgling industry just starting out, the concept of three miles precludes many people from trying to grow hemp. He said he would not have a problem with a one-mile isolation distance.

Ms. Rognier, responding to Senator Farley's question, reported the three-mile distance is specific to industrial hemp. She explained there is a 50 percent chance of getting male or female plant from seed; the male produces the pollen and the female produces the flower. Nevada has growers that exclusively grow for the flowers, and if those crops are contaminated by another field that is growing for grain, which means it would be growing male and female plants together, the male impregnates the female and that female produces seed. If that pollen impregnates an all-female crop, the quality of that crop would suffer and the price would be reduced. There are no other agricultural crops with female and male plants in one field; therefore, the purpose of the distance is to guarantee the varietal characteristics of what is attempting to be bred.

Senator Goicoechea suggested it is better to be safe than to be sorry, and if cross-pollination was to occur due to shorter isolation distances, that could subject the state to litigation.

Ms. Rognier said the SDA would like the pollen studies to continue beyond summer because Nevada is unique to other states that grow industrial hemp, and it is trying to get a better idea of how far the pollen travels and the implications of moving into the next couple of seasons.

Senator Settelmeyer said he could probably vote for the regulation based on the three-mile distance in anticipation the SDA would return in one year and reduce it.

Referring to subsection 2 of Section 10, Senator Settelmeyer and Ms. Rognier discussed the inconsistency pertaining to the ten-foot isolation distance of flowering dioecious male industrial hemp plants in an effort to avoid cross-pollination versus the three-mile isolation distance.

MOTION: Senator Atkinson moved approval of R066-17. Assemblywoman Carlton seconded the motion. The motion carried.

Regulation 120-17

A REGULATION relating to education; revising the criteria for certain pupils to receive a standard high school diploma; and providing other matters properly relating thereto (Agenda Item VI A-7).

In response to a question from Senator Denis, Kristine Nelson, M.A., CPM, Director, Office of Career Readiness, Adult Learning, and Education Options, Nevada's Department of Education, stated *Nevada Administrative Code* 389.803 prescribes the programs of study for career and technical education (CTE). The two units of college and career ready flex credits provide pupils with a variety of courses from which they can choose, including a fourth year of mathematics, Algebra II or higher, a third year of science, or a Level II or III course of CTE in one program of study. A Level II constitutes a concentrator in CTE, and Level III constitutes a completer in CTE. She confirmed students may complete two credits from any of those courses.

Senator Denis commented he appreciates the bar is being raised on education.

Ms. Nelson confirmed Vice Chair Benitez-Thompson's presumption that the proposed regulation was vetted at length with stakeholders, including the districts, local education agencies, and the State Board of Education (SBE) to ensure what the Office was proposing would work for Nevada's school districts and for the students.

Mark Newburn, Vice President, SBE, shared that a couple of months before the regulation's hearing, he attended a meeting with all 17 school district superintendents to present the new graduation requirements. The only testimony

heard from a district was from Clark County, which recognized the need to improve the standard diploma. He said Clark County thanked the SBE for working with the district and stated it did not think the additional requirement would be an undue burden.

MOTION: Senator Denis moved approval of R120-17. Assemblyman Pickard seconded the motion. The motion carried.

Regulation 053-18

A REGULATION relating to controlled substances; establishing the requirements relating to reporting of a drug overdose or suspected drug overdose by a provider of health care; requiring certain medical facilities and the Chief Medical Officer to adopt certain administrative procedures relating to such reports; and providing other matters properly relating thereto (Agenda Item VI A-8).

Julie Kotchevar, Ph.D., Administrator, DPBH, DHHS, stated the purpose of R053-18 is to implement overdose reporting required pursuant to AB 474 (Chapter 605, *Statutes of Nevada 2017*). The goal is to create a system of immediate notification from a health care provider when there is a potential overdose or a suspected drug overdose to provide as close to real time reporting as is practical in order to inform a public health response. The goal of the real time reporting would only be to trigger a quick population-based response to a change in the environment that increased the incidence of overdoses in a targeted area. For example, DPBH would look for a spike if there was a synthetic drug or something that was introduced into the community that caused a spike in overdoses, which is something DPBH would want to identify before it further endangered the community or first responders. She reported that DPBH worked with stakeholders in an effort to minimize or alleviate any onerous requirements while also meeting the requirement for a quick response.

Vice Chair Benitez-Thompson asked for the criteria that would meet the definition of a suspected drug overdose for reporting.

Stephanie Woodard, Psy.D., Licensed Clinical Psychologist, DPBH, DHHS, said that often, before an overdose can be confirmed, identification of consumption of a specific substance is needed. A suspected overdose would lack that confirmation such as a toxicology report or the inability to obtain accurate information from a patient who consumed the substances.

Dr. Kotchevar addressed the question of where in the process would the suspected drug overdose determination be made. For example, if a patient were admitted to an emergency room and the diagnosis by a medical professional was a suspected overdose, a toxicology report cannot be obtained within seven days. The DPBH is looking for the indication there was a problem as an early warning system. With the understanding that unless patients can convey what substances they took, there will be a lot of suspected overdoses. A mechanism is in place so that in the event

hospitals later confirm or receive toxicology reports, they could provide supplemental reports, but that is not a requirement. The DPBH is trying to balance the need for immediate data with what health care providers can legitimately provide within seven days.

Turning her attention to the volume of reporting and the appearance of significant increases in data collection, Vice Chair Benitez-Thompson asked about the reporting levels DPBH expects as a result of the regulation and staffing needs to support the increase.

Dr. Kotchevar indicated emergency regulations have been in place, and DPBH has been receiving reports since January 2018. The highest number of overdoses, 84, was reported from a large medical facility, and many of the other reports were between 1 and 10. She said the DPBH has provided two mechanisms for providers to report: (1) primary care physicians or doctors who would rarely see overdoses can complete a simple form that may be sent via facsimile; and (2) hospital emergency personnel may electronically submit the information, which is transmitted to DPBH's database for analyzing.

Vice Chair Benitez-Thompson pointed out the process is easier once an overdose diagnosis is made, because more information becomes available. She expressed her discomfort with the word *suspected* when it refers to a drug overdose. Vice Chair Benitez-Thompson asked for clarification on whether providers of health care, including outpatient services, that suspect an overdose, are required to report.

Dr. Kotchevar replied outpatient services are only required to report if they are unaware of whether a report has been made by another health care provider. For example, if an outpatient just exited from an emergency room, the emergency room staff likely already provided the report; therefore, the outpatient service is not required to report. She also stated hospice and palliative care providers are excluded from reporting. In addition, DPBH has been working extensively with stakeholders and is committed to providing much technical guidance. Dr. Kotchevar said DPBH has been receiving reports since January 2018; therefore, it is able to determine who needs more assistance in understanding the requirements. In discussing the matter further, she informed the Commission the DPBH has been using an emergency regulation similar to R053-18, but it excludes much of the data elements, which makes the reporting more concise. Regarding the technical assistance DPBH will be providing, Dr. Kotchevar explained DPBH has been working with physician associations and other providers in giving additional guidance on how to determine whether a report is needed. Much of the reporting is from emergency rooms; therefore, the purpose of the technical guidance would be to inform people so they feel comfortable with the requirements.

Responding to a question from Vice Chair Benitez-Thompson, Ms. Woodard stated providers of health care who suspect a drug overdose would be able to attribute a

code as referenced in subsection 2 of Section 4 of R053-18 (Agenda Item VI A-8) and that a comprehensive list of all codes that can be used will be provided in order to satisfy the report's requirements.

Vice Chair Benitez-Thompson wondered whether the information required to be reported would impede a person's will to seek treatment, particularly in light of the fact there is no definition of a suspected drug overdose. In an effort to protect the patient's privacy, she speculated whether the raw information collected by providers of health care could be minimized before being reported to the state's database.

Dr. Kotchevar indicated the reporting requirements in the regulation are modeled after how other types of communicable diseases are reported, wherein much personal information is protected. The only purpose for the personally identifying information is to avoid duplication of data and to identify trends; the information is not released to anyone except in aggregate. Rules are in place for how much data must be present before DPBH can release the aggregated data in order to protect people who live in smaller communities where it is easier to identify individuals. She said much data governance exists regarding how the information is stored and protected.

Referring to subsection 2(b) of Section 6, Vice Chair Benitez-Thompson asked whether documentation of a patient who was pregnant on the date on which the drug overdose or suspected drug overdose occurred would also be disclosed, particularly to Child Welfare Services, Division of Child and Family Services, DHHS.

Dr. Kotchevar indicated that type of information, typically, is not shared with other parties. The information would likely be provided at the provider level if there was an endangerment issue.

Vice Chair Benitez-Thompson suggested it would be helpful if the memo in support that was provided for the emergency regulation would be referenced in the legislative record for clarification. It appears the emergency regulation, although different from R053-18, includes technical help that assists facilities in understanding the reporting requirements, particularly when it comes to comprehending a suspected overdose.

Dr. Kotchevar said DPBH would be happy to provide that memo. She mentioned another memo from the State Board of Health that addresses stakeholders' concerns and the changes made to remedy those concerns.

MOTION: Senator Farley moved approval of R053-18. Assemblywoman Carlton seconded the motion. The motion carried. Vice Chair Benitez-Thompson voted no.

B. Early review of proposed permanent regulation of the Division of Public and Behavioral Health of the Department of Health and Human Services by the Legislative Commission Pursuant to NRS 233B.0681

R042-18 (Agenda Item VI B): Implements provisions of SB 539 regarding prescription drugs. The text of the regulation can be accessed electronically at: http://www.leg.state.nv.us/Register/IndexesRegsReviewed/LCMtg_List_2018_May16_R042-18.pdf.

Dr. Kotchevar provided an overview of R042-18, which implements SB 539—the diabetes transparency law—that requires pharmaceutical companies and pharmacy benefit managers to report information related to the costs of essential diabetes drugs to DHHS so it can analyze the data and then report to policy makers the impact of costs associated with diabetes treatment. She said public comment was taken from stakeholders during a public workshop, and the public hearing on the regulation is scheduled for May 31.

Chair Frierson remarked that usually public hearings are conducted prior to regulations being presented to the Commission, but due to time constraints, the DHHS brought forth the regulation with the understanding it still needs to hold a public hearing. He asked whether any members had questions regarding the regulation.

Senator Settelmeyer stated he voted for SB 539, but he is concerned that having the Commission review R042-18 before DHHS's public hearing could silence speech, because people will figure it has already been voted on by the Commission. He suggested going through the normal process, even if it puts it past the timeline. That is part of the process and if DHHS wanted the regulation to be heard timely, it should have been brought before the Commission sooner.

Chair Frierson stated the Commission's next meeting will be June 26, which will predate the deadline; therefore, he contemplates the Commission consider taking action on the regulation as is while recognizing there will be a public hearing and an opportunity to adopt any adjustments before the July 1 deadline. He said R042-18 is not only a complicated policy, but there have been many moving parts since its passage. Chair Frierson opined moving forward with the regulation is worthy of consideration. In addition, he pointed out that conducting a public hearing after a regulation has been heard before the Commission is not out of the ordinary when deadlines dictate with the understanding if any changes are made, the regulation must come back before the Commission. He indicated he spoke to the bill's sponsor about the order in which the Commission is considering taking action, and the sponsor recognizes the time restraints and the ability to make changes from the May 31 deadline. Chair Frierson clarified there is an opportunity to follow normal procedures while meeting the deadline. The only difference is the message the Commission sends with its intention to move forward with the legislation could have

significant implications. Because of that, when the Commission originally included R042-18 on the agenda, there were no available options for a subsequent meeting. Since any adjustments will be technical in nature, he said it would be prudent for the Commission to move forward to ensure there are no complications between now and June 26 and then consider the technical adjustments at the June 26 meeting.

Assemblyman Edwards remarked he understood everything Chair Frierson explained, but he is of the opinion the Commission would be doubling its efforts by reviewing the regulation today as opposed to waiting until the June 26 meeting. If there is a motion, he said he would vote no on the regulation.

Assemblywoman Carlton commented she appreciates being able to preview R042-18 before the public hearing so Commission members can be prepared as people reach out to them. She acknowledged the procedure would not prohibit anyone from making or submitting comments or proposing corrections.

Chair Frierson said the procedure will give the Commission far more time to review what is being considered and to communicate with stakeholders when ordinarily it would not have this length of time.

Assemblyman Pickard surmised the Commission is not taking action to approve the regulation, but simply to consider it and then to reconsider the regulation on June 26 with a final vote.

Chair Frierson replied his intention is to take action on the regulation today with the understanding that if there are proposed changes from the May 31 public hearing, those adjustments can be considered during the June 26 Commission meeting.

MOTION: Senator Atkinson moved approval of R042-18 with the understanding that technical or substantive changes resulting from the May 31, 2018, public hearing on the regulation will be considered at the June 26, 2018, Commission meeting. Assemblywoman Carlton seconded the motion. The motion carried. Senators Goicoechea and Settelmeyer and Assemblymen Edwards, Hambrick, and Pickard voted no.

C. Requests for Certain Committees to Meet Later than August 31, 2018, and for an Extension of the September 1, 2018, Deadline for Those Committees to Submit Bill Draft Requests

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

Chair Frierson encouraged the Committee on Energy to move as quickly as possible and to approve as many bill draft requests (BDRs) as possible prior to the deadline in an effort to not unduly burden Legislative Council Bureau (LCB) staff.

Senator Atkinson requested an extension due to the fact that the Committee on Energy canceled one of its meetings in February, and the Committee wanted to be able to respond based on the results of the Energy Choice Initiative (Ballot Question 3) and any recommendations that may be forthcoming from the Governor's Committee on Energy Choice. Senator Atkinson indicated that money was available for a meeting after August 31, 2018, and that staff for the Committee is prepared to organize the meeting as soon as practicable after the general election.

MOTION: Assemblywoman Carlton moved approval of the request for the Legislative Committee on Energy to meet later than August 31, 2018, and for an extension of the September 1, 2018, deadline to submit bill draft requests. Senator Denis seconded the motion. The motion carried.

2. Legislative Committee on Public Lands (NRS 218E.510)

Senator Goicoechea explained one Committee on Public Lands meeting had been snowed out in Battle Mountain, Nevada, and it could not confirm an August date; therefore, on behalf of Assemblywoman Heidi Swank, Chair, he requested the Committee be approved to meet in September. He gave his assurances the Committee would be able to get out its BDRs.

MOTION: Assemblywoman Carlton moved approval of the request for the Legislative Committee on Public Lands to meet later than August 31, 2018, and for an extension of the September 1, 2018, deadline to submit bill draft requests. Senator Atkinson seconded the motion. The motion carried.

D. Selection of Design and Location for the Memorial to Nevada Firefighters on the Capitol Complex Pursuant to SB 540 (Chapter 585, *Statutes of Nevada 2017*)

Angelo Aragon, President, Professional Fire Fighters of Nevada (PFFN), introduced himself and his colleagues: Cory Whitlock, Southern District Vice President (DVP), PFFN; Kevin Stengel, DVP, PFFN; Bill Gardner, DVP, PFFN; Bryon Hunt, Northern DVP, PFFN; Tom Dunn, Northern DVP, PFFN; and Ryan Green, Secretary/Treasurer, PFFN.

Mr. Aragon shared a PowerPoint presentation that identifies the memorial's proposed location and its three optional designs (Agenda Item VI D-1), as required by SB 540. Additional information about the memorial and the sculptor was also provided (Agenda Item VI D-2). The following highlights were set forth in the presentation as follows:

- In collaboration with Rick Combs, previously identified, it was determined the memorial's proposed location would be adjacent to the law enforcement memorial on the Capitol Complex grounds;

- The existing Law Enforcement Memorial takes up approximately 2,124 square feet;

- The parcel identified for the new memorial is approximately 1,953 square feet; and

- The memorial will be an interactive piece of art requiring the visitor to walk through the exhibit and, through an electronic device, visitors would be able to select and listen to the biographies of fallen Nevada firefighters.

Through an artist's renderings (Agenda Item VI D-2), Mr. Aragon briefly described the three design options:

Option 1: A centered flame structure with a granite wall background in the shape of the State of Nevada with the names of fallen firefighters inscribed;

Option 2: Two full-sized bronze sculptures of firefighters engaging in firefighting in the center surrounded by four open walls of varying heights—at least one wall would be made of black granite with the names of Nevada's fallen firefighters inscribed; and

Option 3: Incorporates Option 2 and includes three full-sized bronze sculptures of firefighters assisting a fallen firefighter.

Mr. Aragon also noted a fourth memorial rendering that suggests slanting the memorial wall forward with back lighting that would display a flickering red flame.

Mr. Aragon indicated the sculptor from Colorado is world-renowned who specializes in bronze police and firefighter sculptures, and he was chosen because of the detail of his work. On behalf of the PFFN, he requested the Commission's support of Option 3, noting it is the most expensive. Mr. Aragon stated the memorial will be backed by grant funding donations and the PFFN's benevolent fund. In closing, he indicated the memorial will pay tribute to the fallen firefighters and their families in Nevada, but it will also be an additional work of art on the Capitol Complex grounds.

Mr. Aragon responded to Chair Frierson's query of whether: (1) any organizations representing firefighters were left out of the design process; and (2) they are in support of the proposed memorial. He reported that pursuant to SB 540, the memorial is directed by the PFFN's nonprofit benevolent fund board that includes four of the PFFN's members. In an effort to be inclusive as possible, the PFFN represents 20 firefighter locals throughout Nevada. Mr. Aragon said he created a firefighters memorial advisory committee that advises the benevolent fund board, comprised of members from every firefighting organization known to him.

Chair Frierson expressed his desire to ensure the memorial is proportionately similar to the adjacent police memorial. He also asked whether potential security concerns have been discussed relating to the impeding line of sight created by the walls surrounding the center of the memorial.

Mr. Aragon relayed a conversation that transpired between himself and Mr. Combs regarding wall height and security cameras. Once an option is approved, he said the architect would be working closely with Mr. Combs to ensure those concerns are addressed.

Mr. Combs pointed out the memorial's designated site is currently maintained by the Buildings and Grounds (B&G) Section, State Public Works Division, Department of Administration. The LCB contacted B&G to ensure there would not be any concerns from the Executive Branch with that location, which there are none. Once the ground work begins, that section will be transferred to the LCB for maintainance.

Senator Goicoechea asked who makes the determination of which firefighters' names are placed on the memorial.

Mr. Aragon explained an application process is followed that requires proof of death of a firefighter in the line of duty as well as a description of the circumstances under which the firefighter's life was lost; the PFFN's benevolent fund board determines whether the application meets the criteria. He said there will be a decommissioning ceremony at Mills Park in Carson City, where the current memorial stands, and every name will be transitioned to the new memorial. There will also be one more ceremony at the existing memorial in October 2018, and the inaugural ceremony for the new memorial, once approved, is scheduled for the spring of 2019. The process will not change and the memorial will be inclusive by incorporating all firefighting groups in Nevada.

MOTION: Senator Denis moved approval of Option 3 for the selection of design and location for the memorial to Nevada firefighters on the Capitol Complex. Assemblywoman Carlton seconded the motion. The motion carried.

E. Approval of Early Session Hires for the 2019 Legislative Session

Mr. Combs, briefly went over the early session hiring request for the 2019 Legislative Session, as set forth in a memorandum dated May 14, 2018, (Agenda Item VI E). He discussed the challenge of LCB competing with salaries offered by the Department of Public Safety for Peace Officer I and II positions in recruiting the caliber of individuals needed for temporary Legislative Police positions. He explained that if Legislative Police salaries were raised to the equivalent of Peace Officer I and II positions, it would deviate from the traditional framework that has been used for years. The LCB has the ability to bring back retired officers and allow them to keep their pensions and make additional money during session, but they are not paid as much as regular positions. Therefore, if there was a desire to change that, it would be necessary to also look at whether a change would be needed in terms of the type of officer LCB would want, such as recruiting individuals in the middle of their careers as opposed to retirees, or whether to consider a combination of the two. Mr. Combs said LCB will examine how effective it is at attracting candidates when the jobs are posted and that he would return to the Commission in the summer if adjustments are needed.

MOTION: Assemblywoman Carlton moved approval of the early session hires for the 2019 Legislative Session. Senator Denis seconded the motion. The motion carried.

AGENDA ITEM VII—APPOINTMENTS AND NOMINATIONS OF MEMBERS TO NONLEGISLATIVE COMMITTEES AND OTHER ENTITIES

A. Nominations for the Commission on Nuclear Projects (NRS 459.0091)

Rick Combs, previously identified, described the requirements pursuant to statute for making nominations to the Commission on Nuclear Projects (CNP) (Agenda Item VII A). Two existing members, Marie I. Boutté, Ph.D., and Paul Workman, have expressed the desire to continue to serve. Dennis A. Bechtel, the third name submitted for consideration, has been recommended by the CNP.

MOTION: Senator Goicoechea moved approval to submit the names of Dennis A. Bechtel, Marie I. Boutté, Ph.D., and Paul Workman to the Governor for consideration for appointment to the Commission on Nuclear Projects. Senator Denis seconded the motion. The motion carried.

B. Appointments to the Nevada Commission on Minority Affairs (NRS 237.852)

Mr. Combs referred to a packet of information provided by the Office of the Director, B&I, (Agenda Item VII B), regarding recommendations for appointments to the Nevada Commission on Minority Affairs (CMA). As of July 1, 2018, there will be seven vacancies on the CMA. The Department has submitted the names of six new

members it is recommending as well as the name of Janelle Conine who is currently serving and would like to be reappointed.

Emily Ku, Management Analyst, CMA, stated the roster of names that was provided is the result of two rounds of interviews for CMA candidates, which the CMA is confident will comprise a balanced commission.

Senator Denis concurred with Ms. Ku's assessment and expressed his optimism the selection of candidates will be able to do some good things.

MOTION: Senator Denis moved approval of the appointments of Hasaan Azam, Donald Edward Chaney, Janelle Conine, Michael Flores, Jetoon Patel, Adleen Stidhum, and Myisha Williams to the Nevada Commission on Minority Affairs. Assemblyman Pickard seconded the motion. The motion carried.

C. Appointments to the Advisory Council on Mortgage Investments and Mortgage Lending (NRS 645B.860)

Mr. Combs stated there are two vacancies on the Advisory Council on Mortgage Investments and Mortgage Lending, Division of Mortgage Lending, B&I. One current member, Alicia Taylor, has expressed the desire to be reappointed, and Adam Horowitz has been recommended by the Office of the Commissioner of the Division to fill the second vacancy (Agenda Item VII C).

MOTION: Assemblywoman Carlton moved approval of the appointments of Adam Horowitz and Alicia Taylor to the Advisory Council on Mortgage Investments and Mortgage Lending. Senator Denis seconded the motion. The motion carried. Senator Settelmeyer was not present for the vote.

D. Appointments to the Commission on Ethics (NRS 281A.200)

Mr. Combs explained that at the Commission's last meeting on February 27, 2018, it appointed former Assemblywoman Marilyn Dondero Loop to fill a vacancy on the Commission on Ethics (COE). Prior to taking her position on the COE, Ms. Dondero Loop announced her candidacy for the Nevada Senate. Following the February 27, 2018, Commission meeting, the COE also notified the LCB that former Assemblyman Lynn D. Stewart had resigned his position on the COE. As a result, there are two vacancies on the COE. He referred the Commission members to the criteria that must be met concerning the appointees (Agenda Item VII D).

Chair Frierson recommended the appointment of former Clark County assistant district attorney, Teresa Lowry, to the COE, which would allow the COE to continue operating. He said the second appointment may be considered at one of the upcoming Commission meetings.

MOTION: Assemblyman Hambrick moved approval of the appointment of Teresa Lowry to the Commission on Ethics. Senator Atkinson seconded the motion. The motion carried.

VIII—INFORMATIONAL ITEMS

Chair Frierson asked Commission members whether there were any informational items they wanted to discuss; however, no items were requested.

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. Department of Taxation's Tourism Improvement District Semiannual Report for July 2017 through December 2017 Pursuant to NRS 271A.105

   2. Department of Health and Human Services, Division of Public and Behavioral Health, Bureau of Health Care Quality and Compliance, Ambulatory Surgical Centers and Outpatient Facilities Inspection Report, July 1, 2016, to June 30, 2017

   3. Nevada Advisory Council on Federal Assistance's 2017 Annual Report Pursuant to NRS 358.030

   4. Nevada Museums and History's Annual Report on Revenue and Expenditures Related to the Special Nevada Sesquicentennial License Plate

   5. Department of Administration, Enterprise Information Technology Services Division, Confidential Document List Pursuant to NRS 242.105

   6. Department of Business and Industry, Housing Division, Annual Housing Progress Report Pursuant to NRS 278.235

AGENDA ITEM IX—PUBLIC COMMENT

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

The following documents were submitted for the record:

1. A document titled "The Public Health Safety Concern of Synthetic Cannabinoids" provided by an unknown member of the public (Agenda Item IX A); and

2. A letter dated May 15, 2018, by Joanne Chan, Assistant General Counsel, PhRMA, Washington, D.C. (Agenda Item IX B).

AGENDA ITEM X—ADJOURNMENT

There being no further business to come before the Commission, the meeting was adjourned at 11:32 p.m.

Respectfully submitted,

Debbie Gleason
Research Policy Assistant for Minutes

APPROVED BY:

Jason Frierson, Chair
Legislative Commission

MEETING MATERIALS

AGENDA ITEM	WITNESS/ENTITY	DESCRIPTION
Agenda Item II A	Mona Lisa Samuelson, medical marijuana patient advocate, community activist, and resident, Las Vegas, Nevada	List: reasons certain marijuana products are unsafe for consumption
Agenda Item IV A-1	Rocky Cooper, Legislative Auditor, Audit Division, Legislative Council Bureau (LCB)	Letter dated May 2, 2018, regarding audit reports
Agenda Item IV A-2	Rocky Cooper, Legislative Auditor, Audit Division, LCB	Summary Report: Single Audit
Agenda Item IV A-3	Rocky Cooper, Legislative Auditor, Audit Division, LCB	Summary Report: Division of Financial Institutions, Department of Business and Industry (B&I)
Agenda Item IV A-4	Rocky Cooper, Legislative Auditor, Audit Division, LCB	Summary Report: Bureau of Safe Drinking Water, Division of Environmental Protection
Agenda Item IV A-5	Rocky Cooper, Legislative Auditor, Audit Division, LCB	Summary Report: Director's Office, Department of Health and Human Services
Agenda Item IV A-6	Rocky Cooper, Legislative Auditor, Audit Division, LCB	Summary Report: Division of Industrial Relations, B&I
Agenda Item IV A-7	Rocky Cooper, Legislative Auditor, Audit Division, LCB	Summary Report: Review of Governmental and Private Facilities for Children—April 2018
Agenda Item IV B	Rocky Cooper, Legislative Auditor, Audit Division, LCB	Letter dated May 2, 2018, regarding six-month reports
Agenda Item VI A-1	Legal Division, LCB	List of administrative regulations

Agenda Item VI A-2	Legal Division, LCB	Adopted Regulation of the State Board of Health (SBH), LCB File No. R057-16
Agenda Item VI A-3	Legal Division, LCB	Adopted Regulation of the Nevada Transportation Authority, LCB File No. R135-17
Agenda Item VI A-4	Legal Division, LCB	Adopted Regulation of the Nevada Interscholastic Activities Association, LCB File No. R162-16
Agenda Item VI A-5	Legal Division, LCB	Adopted Regulation of the Board of Wildlife Commissioners, LCB File No. R012-16
Agenda Item VI A-6	Legal Division, LCB	Adopted Regulation of the State Department of Agriculture, LCB File No. R066-17
Agenda Item VI A-7	Legal Division, LCB	Adopted Regulation of the State Board of Education, LCB File No. R120-17
Agenda Item VI A-8	Legal Division, LCB	Adopted Regulation of the SBH, LCB File No. R053-18
Agenda Item VI A-9	Legal Division, LCB	Adopted Regulation of the Department of Motor Vehicles, LCB File No. R090-17
Agenda Item VI B	Legal Division, LCB	Adopted Regulation of the Department of Health and Human Services, LCB File No. R042-18
Agenda Item VI D-1	Angelo Aragon, President, Professional Fire Fighters of Nevada (PFFN)	PowerPoint presentation

Agenda Item VI D-2	Rick Combs, Director, LCB	Additional information regarding the PFFN's memorial
Agenda Item VI E	Rick Combs, Director, LCB	Memorandum dated May 14, 2018
Agenda Item VII A	Rick Combs, Director, LCB	Nominations for the Commission on Nuclear Projects (NRS 459.0091)
Agenda Item VII B	Rick Combs, Director, LCB	Appointments to the Nevada Commission on Minority Affairs (NRS 237.852)
Agenda Item VII C	Rick Combs, Director, LCB	Appointments to the Advisory Council on Mortgage Investments and Mortgage Lending (NRS 645B.860)
Agenda Item VII D	Rick Combs, Director, LCB	Appointments to the Commission on Ethics (NRS 281A.200)
Agenda Item IX A	Unknown member of the public	Document titled "The Public Health Safety Concern of Synthetic Cannabinoids"
Agenda Item IX B	Joanne Chan, Assistant General Counsel, PhRMA, Washington, D.C.	A letter dated May 15, 2018

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.