



# **NEVADA LEGISLATURE SUNSET SUBCOMMITTEE OF THE LEGISLATIVE COMMISSION**

*(Nevada Revised Statutes [NRS] [232B.210](#))*

## **MINUTES**

**February 16, 2022**

The second meeting of the Sunset Subcommittee of the Legislative Commission for the 2021–2022 Interim was held on Wednesday, February 16, 2022, at 9 a.m. Pursuant to [NRS 218A.820](#), there was no physical location for this meeting.

The agenda, minutes, meeting materials, and audio or video recording of the meeting are available on the Subcommittee's meeting page. The audio or video recording may also be found at <https://www.leg.state.nv.us/Video/>. Copies of the audio or video record can be obtained through the Publications Office of the Legislative Counsel Bureau (LCB) ([publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us) or 775/684-6835).

### **COMMITTEE MEMBERS PRESENT:**

Assemblywoman Sandra Jauregui, Chair  
Senator Patricia (Pat) Spearman, Vice Chair  
Senator Roberta Lange  
Senator Keith F. Pickard  
Assemblywoman Heidi Kasama  
Assemblywoman Elaine Marzola

### **LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:**

Jennifer Ruedy, Chief Principal Policy Analyst, Research Division  
Steven Jamieson, Research Policy Assistant, Research Division  
Jessica Dummer, Senior Deputy Legislative Counsel, Legal Division

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

## **AGENDA ITEM I—OPENING REMARKS**

[Chair Jauregui welcomed the members and the public to the second meeting of the Sunset Subcommittee of the Legislative Commission of the 2021–2022 Interim. She reviewed the guidelines for virtual meetings.]

## **AGENDA ITEM II—PUBLIC COMMENT**

### ***Chair Jauregui:***

[Chair Jauregui reviewed public comment guidelines.]

Our first item on the agenda is public comment. Broadcast and Production Services (BPS), please add the first caller with public comment to the meeting.

### ***BPS:***

Thank you. Chair, there are no callers in the queue at this time.

### ***Chair Jauregui:***

Thank you. With that we will move on to Agenda Item III.

## **AGENDA ITEM III—PUBLIC HEARING CONCERNING TERMINATION, MODIFICATION, CONSOLIDATION, OR CONTINUED OPERATIONS OF CERTAIN ENTITIES, PURSUANT TO [NEVADA REVISED STATUTES 232B.240](#)**

### ***Chair Jauregui:***

Agenda Item III is the public hearing concerning the termination, modification, consolidation, or continued operation of the entities we selected at our last meeting. The Subcommittee will have the opportunity to consider the boards and advisory committees listed on our agenda for review today. These five entities were selected at our January meeting. Pursuant to statute, each entity under review is required to submit information about its members, its powers and duties, its budget, a history of its meetings, and an assessment of its effectiveness in serving the people of Nevada by filling out the forms we approved in our January meeting. By statute, the entity has the burden of proving that there is a public need for its continued existence.

It is my understanding that a representative from each board or advisory committee is joining us today to provide a brief overview of the board or advisory committee. These individuals will be available to answer any questions we may have. All documents are available on the Subcommittee's meeting page, including a document providing background information and legislative history for each entity being reviewed.

### **A. STATE HISTORICAL RECORDS ADVISORY BOARD ([NRS 378.030](#))**

### ***Chair Jauregui:***

Our first board for review is the State Historical Records Advisory Board (SHRAB). The Sunset Subcommittee reviewed the SHRAB in March 2014, and voted to recommend

the Board's continuation without any suggested changes. Director Freed and Mr. Strom from the Department of Administration (DOA) are here to discuss the Board.

Director Freed, Mr. Strom, please provide the Subcommittee with a brief overview of the work of SHRAB, and then we will move forward with questions from the Subcommittee.

***Laura E. Freed, Director, DOA:***

Thank you, Madam Chair and Subcommittee members. I am joined by my colleagues from the Nevada State Library, Archives and Public Records Division (NSLAPR). I will turn it over to them to talk about SHRAB. They will introduce themselves and briefly go over the materials we submitted to your staff ([Agenda Item III A-1](#)) ([Agenda Item III A-2-a](#)).

***Mike Strom, Administrator, NSLAPR:***

I will be giving you a brief overview of SHRAB, but before I do that, I would like to give Cyndi Shein a chance to introduce herself.

***Cyndi Shein, State Archivist, Deputy Administrator for Archives and Records, NSLAPR:***

Good morning. I started in this position two weeks ago.

***Mike Strom:***

I will provide an overview of the questionnaire and the attachments we submitted. We felt many of the attachment questions did not apply because SHRAB has not met in a few years.

The Board is funded by the National Historical Publications and Records Commission (NHPRC), the funding arm of the National Archives. The purpose of SHRAB is to promote the importance of historical records, improve access to those historical records, and create better communication among professionals who work in the archives and records field around the state. The Board also helps us facilitate training, projects, and other things that help with records management and help bring these historic records to light to provide better access to people and researchers who are interested in Nevada history and in quality management of Nevada's records.

The Board was first created in 1976, and established in NRS in 1989. As explained in 2014, when SHRAB was last reviewed by the Sunset Subcommittee, Nevada's SHRAB was the first historical records advisory board in the United States to be recognized officially in statute.

As mentioned in [Agenda Item III A-2-a](#), the last NHPRC grant was received in 2015, and the last meeting was held in 2018. There is reason to believe SHRAB will be dormant no longer, the main one being we just hired Cyndi Shein as the new state archivist. Ms. Shein comes to us from the University of Nevada, Las Vegas. She is well connected in Nevada and in archives and records management circles.

Ms. Shein has reached out to the three current SHRAB members. They are engaged and planning to meet to compile a list of possible future committee members so we can fill the vacant board spot. The next NHPRC grant deadline is in June. Ms. Shein is hoping to prepare a grant request to move forward and get SHRAB revitalized. The NHPRC offers a smaller-level grant of around \$10,000 for dormant boards to jumpstart themselves, move forward with strategic planning, and reach out around the state to determine future initiatives.

I will now take questions from the Subcommittee.

***Chair Jauregui:***

Thank you for the overview. I have a few questions, but first I am going to turn it over to Subcommittee members to see if they have any questions. I will start with a question from Vice Chair Spearman and then go to Assemblywoman Kasama.

***Vice Chair Spearman:***

Are we talking 'historical' from the standpoint of just records? Are we talking 'historical' from the standpoint of buildings? I am trying to get a context of what is meant when we talk about historical records.

***Mike Strom:***

The SHRAB focuses mostly on paper and electronic records, including photographs, and less so on artifacts or buildings. Records used to document the history of buildings would certainly be within the scope of SHRAB. Archives and Records usually does not include things you would find in a museum; physical artifacts usually fall out of the scope of SHRAB.

***Vice Chair Spearman:***

Four or five years ago in southern Nevada there was a push to make Tule Springs a national monument. Even though this was at the federal level, it was still part of Nevada, so would there be any records pertaining to lands or contributions of Indigenous people?

***Mike Strom:***

Yes, it would be of interest to SHRAB to help preserve those records and make them more accessible. We would look to the archive or institution tasked with maintaining the records and help them with preservation projects, but we would not necessarily move in and take over the records. Those would be the type of projects SHRAB would be interested in promoting and assisting with, if possible.

***Vice Chair Spearman:***

Thank you.

***Assemblywoman Kasama:***

What is the definition of "historical" records? Is it things that are 20-years-old? 50-years-old? Also, before SHRAB was established, who was handling these duties?

***Mike Strom:***

The definition of "historical" is often whatever an institution decides it to be. If there are records in an archive or institution that they want to keep—be they 20-years-old or 100-years-old—we are interested in helping to preserve and promote those records. When I started in the archives profession, we thought nothing was old before 50 years. Now, an electronic record might have migrated two or three times to different systems by the time it is 40-or 50-years-old; electronic records "age" more quickly than paper records.

I do not believe anyone was performing this task before the creation of SHRAB. The Board is a unique institution within the state; it has a unique mandate to go forth and help these agencies with these projects. Our job is to promote these projects and help people do a better job, or give them more resources to do their job. In many cases, the projects we assist with are being done locally and we are there to provide additional knowledge and training for how to complete the project.

***Assemblywoman Kasama:***

Could you give an example of a project you might help with?

***Mike Strom:***

A common project we might help with would be to digitize newspapers or a collection of other papers, and assist the local archive with putting those papers online so people can access them remotely.

Another project might be to help a small archive or library preserve paper records or photographs long-term by purchasing acid free folders and other materials that might not be in its budget. We could work with NHPRC to help with the expense.

Another project could be to provide advice or expertise in the arrangement of papers to help a local archive or library create an inventory of the records to make it easier for researchers to find them in the future.

***Assemblywoman Kasama:***

Thank you.

***Chair Jauregui:***

Seeing no other questions from the Subcommittee, I have a couple of questions. You said one of the priorities was going to be filling the vacancies on SHRAB. From the information you provided, it only looks like there is one vacant seat, but I believe the other three will be terminating by the end of 2022. Will those members be eligible for reappointment, or do your Board positions have term limits?

***Mike Strom:***

Yes, the existing members will be eligible for reappointment if they so choose. I apologize for any confusion in our reporting, but after consulting the governor's website, I believe we have four vacancies. The three members whose terms are set to expire seem very willing and anxious to be reappointed now that we have Ms. Shein to revitalize the Board.

***Chair Jauregui:***

You said the NHPRC grant deadline is in June, and you would be applying for it. The Board's last meeting was in 2018, but the last time SHRAB applied for a grant from NHPRC was in 2015. How did SHRAB function and fund itself in that three-year period without any grants?

**Mike Strom:**

Madam Chair, that happened before my time here; I have only been in this position for eight months. I cannot say for sure, but I assume they met virtually. From my records, they did not meet regularly.

**Chair Jauregui:**

The SHRAB met annually from 2014 through 2018, so I would like to know how a grant they applied for in 2015, was sufficient to carry through those three years. If you do not have that information right now, please look into it and send it to the Subcommittee at a later date.

**Mike Strom:**

I will gladly do so.

**Laura Freed:**

Madam Chair, you are correct. According to my research, the last draw of the NHPRC grant was in Fiscal Year (FY) 2015, and some of the remaining funds were carried into FY 2016. The SHRAB met sporadically during this period and has not met recently. I believe Mr. Strom is correct in stating the most recent meetings were held virtually.

In our research of the fiscal history of SHRAB's operations, it looks like some *de minimis* travel expenses were paid for. The budget in which SHRAB activities reside is generally supported by the General Fund. We think the General Fund probably supported these *de minimis* expenditures, which is not exactly a correct way to go about it. That is the other reason we would like the deputy administrator to renew our application for the NHPRC grant, because the grant is really the correct funding source to support the operation of SHRAB.

**Chair Jauregui:**

Thank you, Director Freed. I noticed the developer of the website for NSLAPR is not the Division of Enterprise Information Technology Services (EITS). What was the reasoning behind that decision? Is there going to be a cost difference—is it going to cost more, or will there be a savings—when you migrate onto the EITS platform?

**Laura Freed:**

As we reported, we cannot say why the decision was made to use an outside developer. This decision was made by a previous NSLAPR administrator. It is not my preference; Mr. Strom and I agree we would prefer to migrate to the new content management system that EITS is rolling out and have EITS web services support it.

I will have to get back to the Subcommittee on the web services cost in the budget and the split between the Library budget and the Archives and Records budget to see if there would be an additional cost that needs to be built into the budget, or if there would be savings.

**Chair Jauregui:**

Thank you, Ms. Freed. I noticed under Question 26 in your questionnaire, SHRAB was not recommending any changes. Under NRS, SHRAB is required to meet three times per year,

but in the seven years since 2015, the Board has been unable to fulfill that requirement. It may be possible to meet that requirement now that Ms. Shein is in her position; but if not, that is a statutory change that could be made to help SHRAB not be in conflict with NRS. We could change it to something like, "meet at the call of the chair." Would you be interested in having the Subcommittee recommend this change to the Legislative Commission?

**Mike Strom:**

Thank you, Chair Jauregui. That would be a good thing to consider.

[Subsequent to the meeting, Mr. Strom submitted additional written comments for the Subcommittee's consideration ([Agenda Item III A-2-b](#)).]

**Chair Jauregui:**

Thank you. We appreciate your presentation.

### **B. MERIT AWARD BOARD ([NRS 285.030](#))**

**Chair Jauregui:**

Moving on to our next entity under Agenda Item III, our second board for review is the Merit Award Board (MAB). The Sunset Subcommittee reviewed MAB on March 15, 2016. The Subcommittee voted to recommend the Board's continuation with some statutory changes. In 2017, [Senate Bill 72](#) was enacted by the Legislature to incorporate some of the Subcommittee's recommendations, among other provisions.

Joining us to discuss MAB are Director Freed, Ms. Baker, and Mr. Richardson from the DOA. Two documents have been submitted for this Agenda Item ([Agenda Item III B-1](#)) ([Agenda Item III B-2](#)). Director Freed, would you like to begin?

**Laura Freed, Director, DOA:**

I am joined by my colleagues from the Division of Human Resource Management (DHRM). I will let them introduce themselves and tell you what has been going on recently with MAB.

**Frank Richardson, Administrator, DHRM, DOA:**

I am the administrator of the DHRM, and with me today is Rachel Baker, a personnel analyst with the Division and a MAB member. I will give a short overview of the program.

The MAB is the controlling authority of the "Good Government, Great Employees" award. The program was created in 1967 to reward employees who had money saving ideas that could contribute to the productivity of Nevada. The last meeting of MAB was January 23, 2019; Ms. Baker can confirm, but I believe this is because there have not been enough members for a quorum. Under [NRS 285.040](#), MAB is tasked to investigate, review, and evaluate the merits of employee suggestions.

The MAB budget is budget account 1345, supported by General Fund appropriations. *Nevada Revised Statutes* [285.030](#) limits the operating expenses of MAB to \$5,000 per fiscal year. It is important to note for the 2021–2023 Biennium, the governor recommended, and the Legislature approved, zero appropriations for MAB. In the previous two biennia, the Legislature approved minimal operating expenses for MAB. During the implementation of

budget reductions in 2020 and 2021, MAB operating costs were diverted to the General Fund, leaving only funding for the attorney general cost allocation payment for FY 2021.

That is a short overview of the program. We are now available for questions.

***Chair Jauregui:***

Thank you, Mr. Richardson. Does the Subcommittee have any questions? Not seeing any, I will ask a couple. There are currently two vacancies on the Board. Are you in the process of filling them?

***Frank Richardson:***

I am not sure if we have made that request. As you can see, there are no funds to operate the program at this time, and it might be moot to continue on.

***Rachel Baker, Secretary, MAB; Personnel Analyst III, DHRM, DOA:***

We just learned of the appointment of a representative for the American Federation of State, County and Municipal Employees. We also know the Budget Division has appointed someone, but we do not know who.

***Chair Jauregui:***

You mentioned it might be moot to appoint these two positions because there is no budget for them to meet. How long is the term for each appointment? If there is a move to allocate General Fund money in 2023, would those people still be serving, or will new appointments need to be made?

***Frank Richardson:***

They would still be serving. Ms. Baker has been a member since 2016.

***Rachel Baker:***

As Mr. Richardson said, my appointment to MAB has been since I started in this position in 2016. We have a few members who have been on MAB for a while. Due to administrative turnover, some terms have not been very long. I do not know if there is a specified term limit.

***Laura Freed:***

*Nevada Revised Statutes* [285.030](#) does not specify a term of service for this Board, which is what allows Ms. Baker to continue to serve. This is also why the representative from the Office of Finance usually continues to serve unless and until the director of the Office decides to make a change.

***Chair Jauregui:***

In Question 18 of [Agenda Item III B-2](#), you listed the Board's last meeting as January 23, 2019, but that meeting was cancelled. Is that correct?

***Rachel Baker:***

That is correct. The meeting was cancelled due to a lack of quorum.



**Chair Jauregui:**

I will now go to questions from Senator Pickard and Assemblywoman Kasama.

**Senator Pickard:**

The purpose of the Sunset Subcommittee is to determine whether a certain entity needs to continue. For this Board, there is no budget, the last meeting was canceled because of lack of quorum, we have had two vacancies for a while, and nobody seemed to notice. Do we really need to continue this Board?

**Laura Freed:**

That is a salient point. If you look at the history of the suggestions that was submitted ahead of this meeting, we have had very few suggestions over the years—including the several I have looked at in the two years I have been the director—that the directors of those agencies thought were implementable and demonstrated a real cost savings.

This is one of those things that sounds great, but it is difficult to come up with a suggestion that is easy to implement and demonstrates a cost savings. Additionally, we do not have any money to give an employee an award, even if the idea reaches those hurdles. It is not for us to say what the policy should be, but we did say in our submission that if it is the will of the governor and the Legislature not to fund MAB, then perhaps we should align the statute with budget realities—unless there is a desire to appropriate for the future.

The Division of Human Resource Management is working on more broad-based ways to support employees. The MAB program is designed to incentivize employees to come up with ideas that improve governance. In my experience, the vast majority of state workers believe in good governance and are not here for the money or benefits—they are here because they care about public service. Speaking for myself, I would prefer, and I think DHRM would prefer, to focus our efforts on supporting the majority of our employees rather than having a *de minimis* amount of money in some account that they must clear several hurdles to get to.

**Senator Pickard:**

Thank you for your candid response. I am glad to see the people on the other end of this are having similar thoughts to what was crossing my mind. I think it is wonderful that we recognize the successful efforts of our employees. Having been attached to different organizations over the years, I have seen each entity come up with a way of identifying and rewarding its key people. You have confirmed in my mind that we really do not need this Board.

**Chair Jauregui:**

We will go to Assemblywoman Kasama and then Vice Chair Spearman.

**Assemblywoman Kasama:**

A lot of my items were answered with Senator Pickard's question, but I would like to ask—when was the last time an employee actually knew about this award structure, went through the process, and received an award?

**Frank Richardson:**

Like Mr. Strom, I have only been in this role for about eight months, and MAB has been inactive since I have taken over this role, so I will defer to Ms. Baker.

**Rachel Baker:**

During my time on the Board, we have not awarded any of the employees. I am not sure when the last employee was given an award, but I can research that if you would like.

**Assemblywoman Kasama:**

No, that answer is fine.

**Chair Jauregui:**

I believe that can be found in an attachment to [Agenda Item III B-2](#). Starting on page 21, you can see a list of the awards that have been given out.

**Vice Chair Spearman:**

I have a couple questions. First, who knows about the merit program? How is it advertised? If no one is applying, what does the outreach look like?

**Frank Richardson:**

I do not believe we have been doing any outreach since the program has been in limbo. You bring up a good point. When these programs have been around for a long time, they become stale, and if we do not continue to promote them, most of the employees will not be aware of the program.

If you look at the list of the submissions we have had over the last several years, you will see in many cases the suggestion has been rejected for various reasons. Perhaps that could be part of why this program is not being used as much—if an employee submits an idea and goes through this process but is then rejected without any other recognition, it could be demoralizing. This could cause employees to give up on the program over time. For a program like this to be successful, there would have to be several steps along the way to recognize an employee's contribution, even if there is not a cost savings. Did that answer your question?

**Vice Chair Spearman:**

Yes, and it presupposes my second question. Federal and state governments have implemented ideas to save money, such as the federal Paperwork Reduction Act of 1995, Pub. L. 104-13, 109 Stat. 163 (1995) and state requirements for agencies to make forms and other information available online. The federal government has a template that might be useful in this process. A person puts in a suggestion and the corresponding department looks at the suggestion to figure out if it is something that will be relevant to cost savings. If it is determined there could be cost savings, the department is required to contact the person to ask follow-up questions and make a final determination. If there will be cost savings, a percentage of the cost savings is allocated to the program and then goes to the person who made the suggestion.

There are a number of things we do in our state government that are redundant. In the Legislative committee rooms, I do not use binders because by not using them I can save money and paper. I thought about doing this in 2013, specifically because we were asking employees to take furloughs because we did not have money. Sometimes it is not about how much money you spend, as much as how much money you save. When I was a company commander, I used a container to collect suggestions which I reviewed at staff meetings with the platoon leaders. We may be trying to do this in a more convoluted way than is necessary. You can find more information by searching for "cost savings" on the U.S. Government Accountability Office [website](#) or the U.S. Government Printing Office [website](#). There are certainly other things we could do, including things being done in other states, that are not as cumbersome.

We are talking about someone putting in an idea, sending it to someone at the agency, then letting them evaluate if the idea. If there is indeed a cost savings, then it comes back to the committee electronically. We can do the entire process electronically, which saves thousands of dollars in paper. I am happy to discuss that if it is something you are interested in. Each agency could have a link on its website where suggestions for cost savings could be submitted. We need to make sure we make a big deal out of the person or persons who suggest ideas that result in cost savings. That recognition becomes a bigger incentive. Our state workers give up a lot in salaries and benefits because we do not have enough money, but if we can save the money, we could reallocate it back to benefit the people who are committed to public service.

***Chair Jauregui:***

Thank you, Vice Chair. Ms. Freed and Mr. Richardson, we do not have any other questions from the Subcommittee. We appreciate your presentation.

### ***C. SUBCOMMITTEE ON PATIENT-CENTERED MEDICAL HOMES ([NRS 439.519](#))***

***Chair Jauregui:***

The next entity we are going to review is the Subcommittee on Patient-Centered Medical Homes, which is a subcommittee of the Advisory Council on the State Program for Wellness and the Prevention of Chronic Disease (CWCD). The Subcommittee on Patient-Centered Medical Homes has not been previously reviewed by the Sunset Subcommittee. We have Lily Helzer, Section Manager for Chronic Disease with us to discuss the work of the Subcommittee. Two documents have been submitted for this Agenda Item ([Agenda Item III C-1](#)) ([Agenda Item III C-2](#)).

***Lily Helzer, Section Manager, Chronic Disease, DPBH, DHHS:***

Thank you for having me today. To summarize what was previously submitted, the Subcommittee on Patient-Centered Medical Home is established under [NRS 439](#). The Subcommittee met from 2017 to 2019, but it struggled throughout that time to establish and maintain a quorum. There was an original goal of meeting 14 times, but the Subcommittee only met 7 times.

The Subcommittee had some successes in carrying out its objective to study the delivery of healthcare through patient-centered medical homes. The Subcommittee identified a number of other state efforts, barriers, actions taken, and challenges. Ultimately, in 2019, the CWCD decided to discontinue the Subcommittee as it was believed that a number of the objectives had been carried out, and because of the difficulty in establishing a quorum.

***Chair Jauregui:***

I have a couple of questions. Can you walk us through some of those successes? In the documents you submitted you said there had not really been any successes because of the difficulties in meeting and establishing a quorum.

***Lily Helzer:***

Some of those successes were the identification of what other states—including Oregon, New York, and Michigan—were doing with patient-centered medical homes. But, for each of the other state efforts that were identified, it was also recognized that implementing a similar model in Nevada would be challenging. The medical transformation process is expensive and burdensome, the cost of recognition to become a patient-centered medical home is quite steep, and the cost of additional staff needed to be a patient-centered medical home is prohibitive. In addition to those extensive costs, there is little reward for the recognition. There is not an advanced payment model, and little to no incentive in Nevada. Also, the health information exchange was not helping any of the clinics with the process.

Despite the all of those challenges—there being little to no incentive, in particular—about half of the clinics in Nevada today are patient-centered medical homes. Almost all of our federally qualified health centers (FQHCs) either are patient-centered medical homes or are in the process of becoming one. They do this even though there is not really a lot of incentive—they do it just because they recognize the value and the increased improvement in patient outcomes.

Those are just some of the things that were identified, but ultimately it was felt that the environment had been studied, but a committee could not really change the environment. Combined with the continuing problems establishing quorum, this resulted in the eventual dissolution of the Subcommittee.

***Chair Jauregui:***

The Department of Public and Behavioral Health has identified several barriers to entry for becoming a patient-centered medical home, including many of the ones you went over. Do you think a study of health care through patient-centered medical homes is still necessary?

***Lily Helzer:***

I believe, and the CWCD agrees, we have have not really seen any changes in the environment that would warrant a new study or that would successfully move these efforts along.

***Chair Jauregui:***

I see you recommend dissolution, but the CWCD has already dissolved the Subcommittee. Is that correct?

***Lily Helzer:***

Correct.

**Chair Jauregui:**

Thank you, Ms. Helzer. The statute authorizing the creation of the Subcommittee is not mandatory, so the only thing we could do is statutorily change the authority to create the Subcommittee, but since it has already been dissolved...

**D. ADVISORY COMMITTEE TO THE JUVENILE JUSTICE OVERSIGHT COMMISSION ([NRS 62B.605](#))**

**Chair Jauregui:**

This brings us to the Advisory Committee to the Juvenile Justice Oversight Commission (JJOC). This Committee has not been reviewed by the Sunset Subcommittee. We have Ms. Bittleston and Dr. Rice with the Division of Child and Family Services (DCFS) here to present. Two documents have been submitted regarding the Advisory Committee ([Agenda Item III D-1](#)) ([Agenda Item III D-2-a](#)) and one has been submitted regarding the JJOC ([Agenda Item III D-2-b](#)). In your overview, can you explain why you submitted the information about the JJOC? You may begin when you are ready.

**Domonique Rice, Ph.D., IMFT-S, Deputy Administrator of Quality and Oversight, DCFS, DHHS:**

I have been in this position for four months.

**Leslie Bittleston, MSQA, Social Services Chief, Juvenile Services Programs Office, DCFS, DHHS:**

I am the primary staff person to the JJOC and the Advisory Committee.

**Domonique Rice:**

Our initial submission of the JJOC and Advisory Committee information was submitted in an effort to tie together the request of [Assembly Bill 472](#) (2017) and to meet the requirements of AB 472.

The Juvenile Justice Oversight Commission currently has eight vacancies: two nominated by the Senate; two nominated by the Assembly; the deputy administrator of DCFS or a designee; a district attorney; a representative of law enforcement; and a person under the age of 24.

The Advisory Committee was developed to provide oversight or recommendations to the JJOC. I will turn the presentation over to Ms. Bittleston to provide more information about these committees.

**Leslie Bittleston:**

The JJOC and the Advisory Committee were established as part of AB 472, a large juvenile justice reform bill which was codified in [NRS 62B.600](#). *Nevada Revised Statutes* 62B.600 outlines JJOC and [NRS 62B.605](#) outlines the Advisory Committee. The remaining portions of NRS 62B.600 outline all the reform efforts of AB 472. It is my understanding that JJOC and the Advisory Committee were established to oversee the process and implementation of the reforms outlined in AB 472. We provided information on both JJOC and the Advisory Committee because they go together.

All members were appointed to JJOC and the Advisory Committee around December 2017. The JJOC and the Advisory Committee always met together—the Advisory Committee did not have separate meetings; its members attended JJOC meetings. No appropriations came for either of these boards.

Members of both entities are appointed by the governor and serve two-year terms. Members may reapply for appointment if they so choose. Some of the current JJOC members have served almost three terms. All six Advisory Committee positions were originally filled; however, only two members attended JJOC. When their terms expired, they stopped attending. No new Advisory Committee members have been appointed in more than two years.

I can now take questions from the Subcommittee.

***Chair Jauregui:***

Thank you, Ms. Bittleston and Dr. Rice. I have some questions for you before I go to the Subcommittee members for questions. Before AB 472 was passed, the Juvenile Justice Commission (JJC) and State Advisory Group had access to \$15,000 annually from grants. Did that carry over with AB 472 in the establishment of the JJOC and the Advisory Committee? Do those two groups still have access to that \$15,000 federal grant? This was not clear in the information you submitted.

***Leslie Bittleston:***

Thank you for the question, Madam Chair. To explain the \$15,000, I have to provide a little bit of history. The State of Nevada has participated in the Juvenile Justice and Delinquency Prevention Act, Pub. L. No. 93-415, 88 Stat. 1109 (1974) since about the mid-1980s. Along with participating in the federal Act, the state is eligible for federal Title II Formula Grant funds. As part of that Grant there is a requirement to have a state advisory group. Historically, the State of Nevada had JJC—it served as that state advisory group. When AB 472 was signed into law and the JJOC was created, the governor at that time issued an executive order—which I can provide to the Subcommittee if necessary—that formally disbanded JJC and moved those duties to JJOC, thereby allowing JJOC to have the \$15,000 that is earmarked for the state advisory group, effective 2017. So, yes. That funding is available.

***Chair Jauregui:***

Thank you. I just wanted to make sure I read it correctly. I am going to go to Subcommittee members for questions. Assemblymember Kasama.

***Assemblywoman Kasama:***

Would JJOC function well without having the oversight of the Advisory Committee? Would it still comply with AB 472? Is this Advisory Committee necessary?

***Leslie Bittleston:***

Yes, JJOC would function fine without the Advisory Committee. I think it is important to note all the members of JJOC are voting members; however, the Advisory Committee members were non-voting. They could provide recommendations, but the voting members of JJOC were responsible for all of the decisions.

***Chair Jauregui:***

Thank you. Subcommittee members, any other questions? I have a couple. I sat on the Judiciary Committee in 2017, and I remember DCFS proposed the amendment to create the advisory group so there would be a separation of powers. Can you tell me a little about why they would meet together if the intention of the advisory group was always to be an advisory group and have that separation?

***Leslie Bittleston:***

Unfortunately, I do not know the answer to that. I was not part of the planning piece of the establishment of JJOC or the Advisory Committee, but what I can tell you is that after AB 472 was enacted, there were no separate meetings for the advisory board, and they were just included with the overall JJOC.

***Chair Jauregui:***

Knowing what the intent was and knowing what actually happened, it sounds like the advisory group was not acting in the manner in which it was intended to act. There were concerns from DCFS about the separation of powers. It might be good to bring them in to figure out—instead of termination—if there is a function for the advisory group or if there is a responsibility it is supposed to execute.

Is there any federal requirement to maintain an advisory group to JJOC?

***Leslie Bittleston:***

No, there is no federal requirement to have an advisory commission or board to JJOC. However, I want to point out something that is extremely important—the makeup of JJOC as currently written in NRS 62B.600 does not meet the requirements of the federal state advisory group. There are some conflicting requirements within those statutes. I did not provide any information on where there are discrepancies, but I can if necessary. The Advisory Board is not required federally, but what is required federally is not necessarily what is in our state statute.

***Chair Jauregui:***

Would you be able to send that information on where there are conflicts between the federal and state requirements to our Subcommittee research analysts and legal counsel so they could share it with all of us on the Subcommittee?

***Leslie Bittleston:***

I would be happy to send that information.

***Chair Jauregui:***

I have a couple of other questions. You kind of answered one of them already, concerning if there would be any impact if we do repeal the Advisory Committee. For my second question, looking at [Agenda Item III D-2-a](#), you mentioned there was difficulty in securing funding for the Advisory Committee—can you explain why?

***Leslie Bittleston:***

No, I cannot explain why. When AB 472 was signed into law in 2017, there was a large appropriation—I believe it was about \$1.5 million—but it was not specifically earmarked for JJOC or the Advisory Committee; it was to implement a statewide risk and needs assessment. It was to bring the state and the county entities up to speed on a more current juvenile justice case management system. It was to implement a quality assurance review process. So, all the funds went toward initial implementation. The JJOC also hired a vendor to create a five-year strategic plan. Those are what all of the startup costs were for—there were no sustainable costs going forward for anything. The state and the counties had to absorb all of those ongoing costs. For example, there is an ongoing cost to use the selected risk and needs assessment; I believe we currently pay \$20,000 annually to use a validated risk and needs assessment. So, while there were startup funds, there was nothing in that appropriation for any type of sustainability, including for JJOC or Advisory Committee.

***Chair Jauregui:***

On the form you submitted, I believe you indicated the difficulty came with securing federal funds for the advisory group.

***Leslie Bittleston:***

The federal funding available to this group is the Title II Formula Grant funds. We can only provide \$15,000 out of that Formula Grant fund to support any type of state advisory group or anything like that. The Formula Grant funds over probably the last six years have been between \$395,000 and \$500,000. That is an annual amount. We are required to subgrant 66 percent of that out to community providers, so there are not a lot of funds leftover for other purposes.

***Chair Jauregui:***

I know DCFS has stated the Commission has not been able to qualify for the federal grants because of the statutory membership makeup. Is this what you were explaining earlier when you said there was conflict within our statute and what was required by the federal government to give us funding under that Title II Formula Grant, or is this separate? If membership changes are needed, the Sunset Subcommittee can recommend those changes.

***Leslie Bittleston:***

When I talk about federal funding, I am only talking about the Title II Formula Grant funds. There was a period of time where the federal government—specifically, an entity under the Department of Justice called the Office of Juvenile Justice Delinquency Prevention, or OJJDP—froze our federal funding for about six months due to the fact that we did not have an appropriate makeup of our group. The piece we were missing at that time was a licensed clinician. We were eventually able to fill that role with a privately licensed clinician when a position came open.

Madam Chair, it is a struggle to meet those federal requirements, especially when we have vacancies. Our biggest problem is we have too many government employees. The state advisory group federal requirements require a portion of the public, such as a parent of a member in the system. Other pieces that are missing include child welfare and education. Those types of things are not found in the current makeup of JJOC. When we are making



decisions about system-involved youth, it would be beneficial for all those other systems that the youth are involved in to have a voice.

***Chair Jauregui:***

I saw that was part of your recommended statutory changes. We would appreciate if you could give us more details on how we could help improve that, so we are not in conflict with the federal requirements.

***Leslie Bittleston:***

Thank you, Madam Chair. It is hard to explain, but I believe you will find the answer to your question in the written materials I will provide comparing the statute with federal requirements.

***Chair Jauregui:***

Thank you, Ms. Bittleston. We will make sure those materials are shared with everyone on the Subcommittee. With that, I will go to our vice chair.

***Vice Chair Spearman:***

Last Session, Assemblywoman Daniele Monroe-Moreno and the Assembly Committee on Growth and Infrastructure sponsored [AB 445](#) (2021), which was codified in statute on June 14 as Chapter 545, *Statutes of Nevada* 2021. The whole purpose of that legislation was to make sure the Office of Government Administration would find grant opportunities where we were probably leaving money on the table so that we might be able to maximize that with matching funds. It may not be the full answer, but it may be part of the answer to make sure we have whatever monies are available.

I know there are social programs in the federal government now that are designed to stem the tide of the school-to-prison pipeline. There are also a number of grant opportunities available through the Robert Wood Johnson Foundation and other entities to make sure we are investing in our children before they wind up in the system.

***Chair Jauregui:***

Thank you, Vice Chair. Subcommittee members, last call. Okay, thank you, Ms. Bittleston and Dr. Rice for being here with us today. We appreciate all the information and look forward to the information you will be sending over.

[Subsequent to the meeting, Ms. Bittleston submitted recommendations for changes to the membership structure of JJOC ([Agenda Item III D-3](#)).]

***E. MEDICAL LABORATORY ADVISORY COMMITTEE ([NRS 652.160](#))***

***Chair Jauregui:***

That brings us to the last entity we are reviewing today, which is the Medical Laboratory Advisory Committee. This Committee has never been reviewed by the Sunset Subcommittee. Presenting for the Committee is Mr. Waples from the DPBH. Two items have been submitted for our review ([Agenda Item III E-1](#)) ([Agenda Item III E-2](#)).

Mr. Waples, thank you for joining us. When you are ready, please begin with a brief overview of the Committee, and then we will go to the Subcommittee members for questions.

**Brad Waples, MT(ASCP), Acting Manager, Medical Laboratory Services, Bureau of Health Care Quality and Compliance, DPBH, DHHS:**

Good morning, Madam Chair and members and guests. I am joined today by Cody Phinney. I would like to have her introduce herself.

**Cody L. Phinney, MPH, Deputy Administrator, DPBH, DHHS:**

Good morning, Chair. I am very glad to be here to support Mr. Waples and answer any questions the Subcommittee may have.

**Brad Waples:**

I am here today to respond to the importance of the Medical Laboratory Advisory Committee, which is found in [NRS 652](#). The Advisory Committee consists of physicians, Ph.Ds. with specialty knowledge in their area of expertise, laboratory directors, and medical technologists who offer insights into the fast-evolving technology of medical laboratory testing to help find a balance between regulation, community, and state needs. The Committee also assists in determining policies for laboratory personnel, licensure, and recommendations to the State Board of Health for laboratory qualifications for personnel, continuing education, and revision and updates to the bylaws for the Committee.

**Chair Jauregui:**

Thank you. Subcommittee members, any questions for Mr. Waples or Ms. Phinney? I have one. It looks like the last time the Committee met was in 2016, but it is planning on meeting soon. Is that correct?

**Brad Waples:**

Yes. We had personnel changes right before the public pandemic started in 2020. During this time, we found there were some necessary regulation updates in which we would like the Committee to take part. I cannot speculate as to the reason why the Committee has not met, but I do find it is important with the ongoing laboratory evolution that we have an advisory committee in which experts can offer their information.

**Cody Phinney:**

Madam Chair, I would add to what Mr. Waples indicated, the Division appreciates having this brought to our attention. We feel we can really benefit from having this formal advice from the community of medical laboratory specialists. It is very important to have the expertise from the medical laboratory community to help us make sure the regulations we are proposing are appropriate and not overly burdensome or missing anything we need to do to protect the safety of the public. The staff had maintained an active membership, but we identified some places where communication had broken down between parts of the Division.

***Chair Jauregui:***

There is no requirement for the Committee to meet periodically. Since you value the input from the industry, we could recommend to the Legislative Commission a requirement that the Committee hold regular public meetings, at least once per year. I understand why there were no meetings from 2020 through 2022, even if you found it would have been helpful to have meetings, but there was a four-year period from 2016 through 2020 where the Committee did not meet. Is that something you would be interested in?

***Cody Phinney:***

I am certain the requirement for an annual meeting would align with our recommendations for what is needed. I will defer to Mr. Waples if he has any additional information or a different periodicity that he perceives is helpful, since he is our true medical lab expert.

***Brad Waples:***

Yes, I agree with Ms. Phinney. We would be happy to do once per year and have that as part of the statute. We also have bylaws which we will be presenting to the Committee for revision because of the need to do so.

***Chair Jauregui:***

Thank you, Mr. Waples, and Ms. Phinney. Senator Lange has a question for you.

***Senator Lange:***

Have all the members of your board been appointed? I ask because in listening about boards over the last year, it seems that people cannot get people to fill their boards. Your board has pretty specific membership requirements, so are you having any trouble filling it?

***Brad Waples:***

We are not currently having any issues. We are current with all our members except one. We have a vacancy for a medical technologist, but all the other positions are good until the end of this year.

***Chair Jauregui:***

Thank you. Subcommittee members, last call. Do we have any further questions for Mr. Waples or Ms. Phinney? Seeing none, thank you; we appreciate you being here with us this morning, for your presentation, and for filling out the forms.

**AGENDA ITEM IV—SELECTION OF BOARDS, COMMISSIONS, AND SIMILAR ENTITIES FOR REVIEW DURING THE 2021–2022 INTERIM**

***Chair Jauregui:***

Subcommittee members, that moves us to our next agenda item, Agenda Item IV. This next order of business is to select two new boards and commissions to replace two entities that were identified as repealed or expired after our January 26 meeting. We had made the selection of boards and commissions for review, but as we were getting ready, we realized two of those had already been eliminated. Those two boards are the Board of Review for the Division of State Lands, State Department of Conservation and Natural Resources (DCNR),

which was repealed by Section 14 of [AB 378](#) during the 2021 Legislative Session, and the Advisory Committee on Transportational Stormwater Management of the DCNR, which expired by limitation on June 30, 2021.

So, members, when you received the agenda and materials for this meeting, we included as one of the meeting materials a list of all the boards commissions and similar entities that exist for review ([Agenda Item IV A-1](#)) and the list of boards and committees that we were going to review this Interim ([Agenda Item IV A-2](#)).

I have identified a couple that we could possibly review, but I want to open it up to the Subcommittee members first to see if there are any boards you would like added to the list. Vice Chair, I know you were not with us at that first meeting, so I want to reach out to you to make sure we include any board, commission, or similar entity you had interest in reviewing this Interim. If the members do not have any, I am happy to make recommendations.

**Senator Pickard:**

Madam Chair, to be clear, is [Agenda Item IV A-2](#) the list we are choosing from?

**Chair Jauregui:**

On the Subcommittee's [meeting page](#) under "Meeting Material," [Agenda Item IV A-1](#) is the master list of all boards, committees, and similar entities. [Agenda Item IV A-2](#) is the list of committees we selected at our January 26 meeting. If you see a committee in [Agenda Item IV A-1](#) that you would like to review, you can cross-reference with [Agenda Item IV A-2](#) to see if we have already selected it.

**Senator Pickard:**

So, [Agenda Item IV A-2](#) includes the two boards you just mentioned, but otherwise these are the ones we discussed last time. Is that correct?

**Chair Jauregui:**

Correct.

**Senator Pickard:**

I do not see the Barber and Homeopathic boards included on the list. Can you remind me what we did with those?

**Chair Jauregui:**

Yes. The Barber and Homeopathic Medical Examiner boards are on our agenda to come before the Subcommittee, but we did not formally select them so they do not have to fill out the review forms again. We are having them come before us and specifically address the areas of concern from January 26, but not the other form questions, since we just reviewed those.

**Senator Pickard:**

Thank you. I apologize for not remembering, but now that you mention it, I do recall.

***Chair Jauregui:***

While the Subcommittee members look at the list, I have identified four boards that I think would be great for review.

First, the Board to Review Claims, which is commonly referred to as the Board to Review Petroleum Fund Claims. It was established in 2015, but has never been reviewed by the Sunset Subcommittee. Second, the Advisory Committee on Participatory Democracy, which was established in 2003, and has not been reviewed since 2014. It looks like both of those boards meet regularly, but they came across as interesting committees to review because they have not been reviewed in five to six years.

Two of the other boards I have thought about reviewing are ones I would like to review together if the Subcommittee decides to go this way. They are the Nevada Taxicab Authority and the Nevada Transportation Authority. Both of those were reviewed over six years ago.

Out of those four, we can select two. Is there any preference from the Subcommittee?

***Vice Chair Spearman:***

I hear quite frequently that there should probably be some type of oversight review of the Taxicab Authority. I have heard enough people ask me that question; I think that would be a legitimate request.

***Chair Jauregui:***

If we review the Taxicab Authority, I would also like to review the Nevada Transportation Authority. If the Subcommittee members are okay with replacing the two committees chosen in our January 26 meeting that were already repealed with the Nevada Taxicab Authority and Nevada Transportation Authority, I would accept that motion.

VICE CHAIR SPEARMAN MOVED TO ADD THE NEVADA TRANSPORTATION AUTHORITY ([NRS 706.1511](#)) AND THE TAXICAB AUTHORITY ([NRS 706.8818](#)) TO THE LIST OF ENTITIES FOR REVIEW BY THE SUNSET SUBCOMMITTEE IN THE 2021–2022 INTERIM.

ASSEMBLYWOMAN MARZOLA SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**AGENDA ITEM V—PUBLIC COMMENT**

***Chair Jauregui:***

Subcommittee members, that brings us to our last agenda item, which is our second round of public comment. I would like to remind everyone that we ask you to keep public comment to three minutes so that everyone interested in speaking has an opportunity to do so. I would like to remind everyone that there are four methods to submit public comment—you can call in, you can fax your public comment, you can email your public comment, and you can mail in your public comment. With that, I would like to turn it over to our BPS staff to see if there is anyone waiting on the line to make public comment.

**BPS:**

Madam Chair, you currently have no callers in the queue.

[Subsequent to the meeting, written public comment was received from Terry Rankin, a resident of Douglas County, Nevada ([Agenda Item V](#)). She offered background information on the Appeals Panel for Industrial Insurance, Division of Industrial Relations, Department of Business and Industry, and the Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court Justices, Judges of the Court of Appeals, District Judges and Elected County Officers.]

**Chair Jauregui:**

Thank you, BPS. Subcommittee members, any final comments before we adjourn? I appreciate you all being here and being so efficient. I want to remind everyone that our next three meetings are scheduled for Wednesday, March 30; Wednesday, April 20; and Wednesday, May 18.

## **AGENDA ITEM VI—ADJOURNMENT**

There being no further business to come before the Subcommittee, the meeting was adjourned at 10:34 a.m.

Respectfully submitted,

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Steven Jamieson  
Research Policy Assistant

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Jennifer Ruedy  
Chief Principal Policy Analyst

APPROVED BY:

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Assemblywoman Sandra Jauregui, Chair

Date: \_\_\_\_\_

## MEETING MATERIALS

AGENDA ITEM	PRESENTER/ENTITY	DESCRIPTION
<a href="#">Agenda Item III A-1</a>	Cesar Melgarejo, Senior Policy Analyst, Research Division, Legislative Counsel Bureau (LCB)	State Historical Records Advisory Board—Background Information
<a href="#">Agenda Item III A-2-a</a>	Mike Strom, Administrator, Nevada State Library, Archives, and Public Records Division, Department of Administration (DOA)	State Historical Records Advisory Board—Responses to Sunset Review Form 1
<a href="#">Agenda Item III A-2-b</a>	Mike Strom, Administrator, Nevada State Library, Archives, and Public Records Division, DOA	Written Comments
<a href="#">Agenda Item III B-1</a>	Cesar Melgarejo, Senior Policy Analyst, Research Division, LCB	Merit Award Board—Background Information
<a href="#">Agenda Item III B-2</a>	Frank Richardson, Administrator, Division of Human Resource Management, DOA	Merit Award Board—Responses to Sunset Review Form 1
<a href="#">Agenda Item III C-1</a>	Cesar Melgarejo, Senior Policy Analyst, Research Division, LCB	Subcommittee on Patient-Centered Medical Homes—Background Information
<a href="#">Agenda Item III C-2</a>	Lily Helzer, Section Manager, Chronic Disease, Division of Public and Behavioral Health (DPBH), Department of Health and Human Services (DHHS)	Subcommittee on Patient-Centered Medical Homes—Responses to Sunset Review Form 1
<a href="#">Agenda Item III D-1</a>	Cesar Melgarejo, Senior Policy Analyst, Research Division, LCB	Advisory Committee to the Juvenile Justice Oversight Commission—Background Information
<a href="#">Agenda Item III D-2-a</a>	Domonique Rice, Ph.D., IMFT-S, Deputy Administrator of Quality and Oversight, Division of Child and Family Services (DCFS), DHHS	Advisory Committee to the Juvenile Justice Oversight Commission—Responses to Sunset Review Form 1



<b>AGENDA ITEM</b>	<b>PRESENTER/ENTITY</b>	<b>DESCRIPTION</b>
<a href="#"><u>Agenda Item III D-2-b</u></a>	Domonique Rice, Ph.D., IMFT-S, Deputy Administrator of Quality and Oversight, DCFS, DHHS	Juvenile Justice Oversight Commission—Responses to Sunset Review Form 1
<a href="#"><u>Agenda Item III D-3</u></a>	Leslie Bittleston, MSQA, Social Services Chief, Juvenile Services Programs Office, DCFS, DHHS	Written Comments
<a href="#"><u>Agenda Item III E-1</u></a>	Cesar Melgarejo, Senior Policy Analyst, Research Division, LCB	Medical Laboratory Advisory Committee—Background Information
<a href="#"><u>Agenda Item III E-2</u></a>	Brad Waples, MT(ASCP), Acting Manager, Medical Laboratory Services, Bureau of Health Care Quality and Compliance, DPBH, DHHS	Medical Laboratory Advisory Committee—Responses to Sunset Review Form 1
<a href="#"><u>Agenda Item IV A-1</u></a>	Cesar Melgarejo, Senior Policy Analyst, Research Division, LCB	Master Table of Boards, Commissions, and Similar Entities
<a href="#"><u>Agenda Item IV A-2</u></a>	Cesar Melgarejo, Senior Policy Analyst, Research Division, LCB	Boards and Commissions Selected by the Sunset Subcommittee for Review in the 2021–2022 Interim
<a href="#"><u>Agenda Item V</u></a>	Terry Rankin, resident, Douglas County, Nevada	Written Comments

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