

MEETING NOTICE AND AGENDA

Name of Organization: Sunset Subcommittee of the Legislative Commission
(*Nevada Revised Statutes* [NRS] 232B.210)

Date and Time of Meeting: Thursday, April 21, 2016
9 a.m.

Place of Meeting: Grant Sawyer State Office Building, Room 4412
555 East Washington Avenue
Las Vegas, Nevada

Note: Some members of the Subcommittee may be attending the meeting and other persons may observe the meeting and provide testimony through a simultaneous videoconference conducted at the following location:

Legislative Building, Room 3137
401 South Carson Street
Carson City, Nevada

If you cannot attend the meeting, you can listen or view it live over the Internet. The address for the Nevada Legislature website is <http://www.leg.state.nv.us>. Click on the link "[Calendar of Meetings/View](#)."

<p>Note: Minutes of this meeting will be produced in summary format. Please provide the secretary with electronic or written copies of testimony and visual presentations if you wish to have complete versions included as exhibits with the minutes.</p>

Note: Items on this agenda may be taken in a different order than listed. Two or more agenda items may be combined for consideration. An item may be removed from this agenda or discussion relating to an item on this agenda may be delayed at any time.

- I. Opening Remarks
Senator James A. Settelmeyer, Chair

- II. Public Comment
(Because of time considerations, each speaker offering comments during the period for public comment will be limited to not more than 3 minutes. A person may also have comments added to the minutes of the meeting by submitting them in writing either in addition to testifying or in lieu of testifying. Written comments may be submitted in person or by e-mail, facsimile, or mail before, during, or after the meeting.)

For Possible Action

- III. Approval of Minutes of the Meeting Held on March 15, 2016, in Carson City, Nevada

For Possible Action

- IV. Briefing on the Decision in *North Carolina State Board of Dental Examiners v. Federal Trade Commission*, 135 S. Ct. 1101 (2015)
Kevin C. Powers, Chief Litigation Counsel, Legal Division,
Legislative Counsel Bureau (LCB)

For Possible Action

- V. Report from the Nevada Commission for Women (NRS 233I.020), Previously Reviewed During the 2013–2014 Interim

For Possible Action

- VI. Public Hearing Concerning the Termination, Modification, Consolidation, or Continued Operation of Certain Entities Pursuant to NRS 232B.240
 - A. State Board of Education (NRS 385.021)
 - B. Advisory Council on Parental Involvement and Family Engagement (NRS 385.610), Nevada Department of Education (NDE)
 - C. State Board for Career and Technical Education (NRS 388.330)
 - D. Commission on Educational Technology (NRS 388.790), NDE
 - E. State Council for the Coordination of the Interstate Compact on Educational Opportunity for Military Children (NRS 392C.020), NDE
 - F. Board of Trustees of the Fund for Hospital Care to Indigent Persons (NRS 428.195)
 - G. State 4-H Camp Advisory Council (NRS 550.035), Public Service Division, Board of Regents, Nevada System of Higher Education
 - H. Nevada Junior Livestock Show Board (NRS 563.010), State Department of Agriculture

*For
Possible
Action*

VII. Work Session—Discussion and Possible Actions on Recommendations Relating to:

- A. Advisory Committee on Participatory Democracy (NRS 225.240), Office of the Secretary of State
- B. Committee on Catastrophic Leave (NRS 284.3627), Division of Human Resource Management, Department of Administration
- C. Board for the Administration of the Subsequent Injury Account for Self-Insured Employers (NRS 616B.548), Division of Industrial Relations (DIR), Department of Business and Industry (DBI)
- D. Board for the Administration of the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers (NRS 616B.569), DIR, DBI
- E. Appeals Panel for Industrial Insurance (NRS 616B.760), Division of Insurance, DBI
- F. Occupational Safety and Health Review Board (NRS 618.565), DIR, DBI

The “Work Session Document” is attached below and contains recommendations proposed at this and other meetings of the Sunset Subcommittee of the Legislative Commission during the 2015–2016 Legislative Interim. The document is also available on the Subcommittee’s webpage ([Sunset Subcommittee of the Legislative Commission \[NRS 232B.210\]](#)) or a written copy may be obtained by contacting Carol M. Stonefield, Chief Principal Research Analyst, Research Division, LCB, at (775) 684-6825.

VIII. Public Comment

(Because of time considerations, each speaker offering comments during the period for public comment will be limited to not more than 3 minutes. A person may also have comments added to the minutes of the meeting by submitting them in writing either in addition to testifying or in lieu of testifying. Written comments may be submitted in person or by e-mail, facsimile, or mail before, during, or after the meeting.)

IX. Adjournment

Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Research Division of the Legislative Counsel Bureau, in writing, at the Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747, or call the Research Division at (775) 684-6825 as soon as possible.

Notice of this meeting was posted in the following Carson City and Las Vegas, Nevada, locations: Blasdel Building, 209 East Musser Street; City Hall, 201 North Carson Street; Legislative Building, 401 South Carson Street; and Legislative Counsel Bureau, Las Vegas Office, Grant Sawyer State Office Building, 555 East Washington Avenue. Notice of this meeting was faxed, e-mailed, or hand delivered for posting to the following Carson City and Las Vegas, Nevada, locations: Capitol Press Corps, Basement, Capitol Building, 101 North Carson Street; Clark County Government Center, Administrative Services, 500 South Grand Central Parkway; and Capitol Police, Grant Sawyer State Office Building, 555 East Washington Avenue. Notice of this meeting was posted on the Internet through the Nevada Legislature's website at www.leg.state.nv.us.

Supporting public material provided to Committee members for this meeting may be requested from Janet Coons, Committee Secretary, Research Division of the Legislative Counsel Bureau at (775) 684-6825 and is/will be available at the following locations: Meeting locations and the Nevada Legislature's website at www.leg.state.nv.us.

Sunset Subcommittee of the Legislative Commission
(Nevada Revised Statutes 232B.210)

**WORK SESSION
DOCUMENT**



April 21, 2016

Prepared by the Research Division
Legislative Counsel Bureau



WORK SESSION DOCUMENT

Sunset Subcommittee of the Legislative Commission
(*Nevada Revised Statutes* [NRS] 232B.210)

April 21, 2016

The following “Work Session Document” has been prepared by the Chair and staff of the Sunset Subcommittee of the Legislative Commission. It is designed to assist the Subcommittee members in determining whether to recommend a board or commission for continuation, modification, consolidation, or termination. The recommendations contained herein do not necessarily have the support or opposition of the Subcommittee. Rather, these possible actions are compiled and organized so the members may review them to decide whether they should be adopted, changed, rejected, or further considered. They are not preferentially ordered.

Each item in this document may be the subject of further discussion, refinement, or action. Any recommendations to terminate, modify, consolidate with another agency, or continue a board or commission will be forwarded to the Legislative Commission for its consideration. It should also be noted that some of the recommendations may contain an unknown fiscal impact. Subcommittee members should be advised that Legislative Counsel Bureau (LCB) staff will coordinate with the interested parties to obtain detailed fiscal estimates, if appropriate, for inclusion in the final report.

Finally, please note that specific details of recommendations approved by the Subcommittee may need to be clarified by Subcommittee staff prior to providing the recommendations to the Legislative Commission. Supporting documents for some recommendations may be obtained by contacting Carol M. Stonefield, Chief Principal Research Analyst, Research Division, LCB, at (775) 684-6825 or by e-mail at cstonefield@lcb.state.nv.us.

**RECOMMENDATIONS RELATING TO TERMINATING, CONTINUING,
MODIFYING, OR CONSOLIDATING BOARDS AND COMMISSIONS**

1. Advisory Committee on Participatory Democracy (NRS 225.240), Office of the Secretary of State

The Advisory Committee on Participatory Democracy (ACPD) was created in 1997 in the Department of Cultural Affairs for the purpose of providing assistance to increase public participation in elections and other civic activities. In 2003, the ACPD was moved to the Office of the Secretary of State (SOS). It was also charged with designating the recipient of the Jean Ford Democracy Award. At one time, the ACPD received a grant from the federal Help America Vote Act. Currently it has no staff, receiving assistance from the staff of the Office of the SOS.

The ACPD was reviewed by the Sunset Subcommittee during the 2013–2014 Interim. At the request of the SOS at that time, the Subcommittee recommended continuation with the further recommendation that the next SOS be provided an opportunity to consider and suggest revisions to the ACPD to increase its effectiveness and efficiency.

At the Subcommittee’s meeting on February 23, 2016, the SOS requested revisions to NRS to provide flexibility in the appointment of members and in the required number of meetings per year.

Should the Advisory Committee on Participatory Democracy be terminated or continued?

If the Subcommittee recommends terminating the Advisory Committee, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Advisory Committee should continue:

- *Does the Subcommittee want to recommend any changes concerning the Advisory Committee?*
- *Does the Subcommittee want to recommend any changes to the duties of the Advisory Committee?*

If the Subcommittee wishes to recommend continuation, the members may wish to consider the following, as proposed by the SOS (see page 4):

- Amend NRS to revise existing provisions that require ten members (including the SOS and nine appointees) by providing that the SOS may appoint up to nine members, giving consideration to political, geographical, and demographical factors;

- Amend NRS to stipulate that the term of office shall be two years rather than three years as currently provided;
- Amend NRS to revise existing provisions requiring the Advisory Committee to meet at least once per calendar quarter by providing that the Advisory Committee shall hold at least one meeting, but no more than four meetings, per calendar year; and
- Provide that a majority of the members currently appointed constitute a quorum.

**Recommended Changes to the Advisory Committee on
Participatory Democracy (ACPD)**
Submitted by the Secretary of State's Office – April 2016

NRS 225.240 Creation; composition; Chair; terms of members; vacancies; compensation of members.

1. The Advisory Committee on Participatory Democracy is hereby created within the Office of the Secretary of State.
2. The Advisory Committee consists of *up to* 10 members including:
 - (a) The Secretary of State or his or her designee; and
 - (b) *Up to* Nine other members appointed by the Secretary of State.
3. The Secretary of State shall:
 - (a) Consider political, geographical and demographical factors when appointing members of the Advisory Committee;
 - (b) Select the Chair of the Advisory Committee from among its members; and
 - (c) Designate an employee of the Office of the Secretary of State to serve as Secretary for the Advisory Committee.
4. The Secretary of State may assign such other employees of his or her Office as he or she deems necessary to assist the Advisory Committee in its duties.
5. The Chair of the Advisory Committee shall appoint a Vice Chair from among the members of the Advisory Committee.
6. ~~[After the initial term,]~~ each member of the Advisory Committee shall serve for a term of ~~[3]~~ 2 years. Each member of the Advisory Committee serves at the pleasure of the Secretary of State. If a vacancy occurs, the Secretary of State shall appoint a new member to fill the vacancy for the remainder of the unexpired term.
7. Members of the Advisory Committee serve without compensation. If sufficient money is available in the Special Account for the Support of the Advisory Committee created by [NRS 225.270](#), members are entitled to the per diem and travel allowances provided for state officers and employees generally while attending meetings of the Advisory Committee.

NRS 225.260 Meetings; quorum.

1. The Advisory Committee shall hold ~~[meetings at least once every 3 months]~~ *at least 1 meeting, but no more than 4 meetings, per calendar year*. A special meeting of the Advisory Committee may be called by the Secretary of State and the Chair of the Advisory Committee at such additional times as they deem necessary.
2. The Chair of the Advisory Committee or, in the absence of the Chair, the Vice Chair of the Advisory Committee, shall preside at each meeting of the Advisory Committee. ~~[Six]~~ *A majority of the* members ~~[of]~~ *currently appointed to* the Advisory Committee constitutes a quorum.

2. Committee on Catastrophic Leave (NRS 284.3627), Division of Human Resource Management, Department of Administration

The Committee on Catastrophic Leave was established in 2001 and consists of five members appointed by the Governor. Three members are executive officers of State agencies and two members are representatives of labor.

The Committee was formed for the purpose of receiving appeals from employees who are aggrieved by decisions of their appointing authorities regarding requests for use of catastrophic leave, as defined.

Decisions of the Committee are final and not subject to judicial review or adjustment of the grievance. The Committee is not required to comply with provisions of Chapter 241 of NRS relating to meetings of State and local agencies.

The Sunset Subcommittee reviewed the Committee at its meeting on March 15, 2016. On its review form, the Committee made no requests for statutory changes.

Should the Committee on Catastrophic Leave be terminated or continued?

If the Subcommittee recommends terminating the Committee, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Committee should continue:

- *Does the Subcommittee want to recommend any changes concerning the Committee?*
- *Does the Subcommittee want to recommend any changes to the duties of the Committee?*

3. Board for the Administration of the Subsequent Injury Account for Self-Insured Employers (NRS 616B.548), Division of Industrial Relations, Department of Business and Industry

The Board for the Administration of the Subsequent Injury Account for Self-Insured Employers was established in 1995 to administer the Account in the Fund for Workers' Compensation and Safety. The five members are appointed by the Governor and must be self-insured employers.

The Account was created for the purpose of encouraging self-insured employers to hire or retain workers with preexisting disabling conditions. According to the review form submitted by the Board, economic relief may be provided to an employer who knowingly accepts the risk associated with the employment of an already impaired worker, should that individual sustain a subsequent injury.

The Board adopts regulations for rates, payments, and penalties. The Board functions as a quasi-judicial body administering claims submitted to it for reimbursement from the Account. Its decisions are subject to judicial review.

The Board was reviewed by the Sunset Subcommittee at its meeting on March 15, 2016. The Board made no requests for revisions to NRS. Representatives did indicate that the Board has submitted draft regulations to the LCB, which the Board believes will standardize and streamline its processes to expedite the disposition of claims.

Should the Board for the Administration of the Subsequent Injury Account for Self-Insured Employers be terminated or continued?

If the Subcommittee recommends terminating the Board, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Board should continue:

- *Does the Subcommittee want to recommend any changes concerning the Board?*
- *Does the Subcommittee want to recommend any changes to the duties of the Board?*

4. Board for the Administration of the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers (NRS 616B.569), Division of Industrial Relations, Department of Business and Industry

At its meeting on March 15, 2016, the Sunset Subcommittee reviewed the Board for the Administration of the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers. The Board was created in 1995 to administer the Account for Associations in the Fund for Workers' Compensation and Safety. The five Board members are appointed by the Governor and must be members of an association of self-insured public or private employers.

The Board was created at the same time as the Board for the Administration of the Subsequent Injury Account for Self-Insured Employers for the purpose of encouraging self-insured employers to hire or retain workers with preexisting disabling conditions.

A representative of the Board explained the self-insured groups are communities of similar employers. They contribute their own money in an attempt to control their workers' compensation costs.

The Board adopts regulations for rates, payments, and penalties. Assessment rates must result in equitable distribution of costs among the associations of self-insured employers and must be based on expected annual expenditures for claims. The Board resolves claims for reimbursement according to the Nevada Administrative Procedure Act. Decisions of the Board are subject to judicial review.

The Board made no requests for revisions to NRS; however, the Board has submitted draft regulations to the LCB, which the Board believes will standardize and streamline its processes to expedite the disposition of claims.

Should the Board for the Administration of the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers be terminated or continued?

If the Subcommittee recommends terminating the Board, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Board should continue:

- *Does the Subcommittee want to recommend any changes concerning the Board?*
- *Does the Subcommittee want to recommend any changes to the duties of the Board?*

5. Appeals Panel for Industrial Insurance (NRS 616B.760), Division of Insurance, Department of Business and Industry

The Appeals Panel for Industrial Insurance was created in 1999 for the purpose of reviewing appeals from employers who have concerns regarding their classifications of risk that affect their rates. The Panel consists of seven members appointed by the Governor in consultation with the Commissioner of Insurance.

The Panel is authorized to hear a grievance filed by an employer. According to the review form submitted by the Panel, the types of grievances that may be heard by the Panel include: a modification of a premium based on experience; classification of risk assigned for the employer business; or application of the supplementary rate information to the employer.

The Panel was reviewed by the Sunset Subcommittee at its meeting on March 15, 2016. The Panel had no recommendations for revisions to NRS.

Should the Appeals Panel for Industrial Insurance be terminated or continued?

If the Subcommittee recommends terminating the Panel, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Panel should continue:

- *Does the Subcommittee want to recommend any changes concerning the Panel?*
- *Does the Subcommittee want to recommend any changes to the duties of the Panel?*

6. Occupational Safety and Health Review Board (NRS 618.565), Division of Industrial Relations, Department of Business and Industry

The Occupational Safety and Health Review Board was created in 1973 to comply with the federal Occupational Safety and Health Act (OSHA) of 1970, which provided states with the option of adopting their own safety and health plans that were at least as effective as the federal act.

The Board consists of five members appointed by the Governor. It provides local enforcement of federal regulations and requirements. Its purpose is to serve as a quasi-judicial hearing tribunal for all contested cases issued by the State OSHA Enforcement Section against Nevada employers for alleged safety violations in workplaces under federal regulations incorporated into Nevada law.

The Board was reviewed by the Sunset Subcommittee at its meeting on March 15, 2016. The Board did not request any statutory changes.

Should the Occupational Safety and Health Review Board be terminated or continued?

If the Subcommittee recommends terminating the Board, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Board should continue:

- *Does the Subcommittee want to recommend any changes concerning the Board?*
- *Does the Subcommittee want to recommend any changes to the duties of the Board?*