



**NEVADA LEGISLATURE
SUNSET SUBCOMMITTEE OF THE
LEGISLATIVE COMMISSION**
(Nevada Revised Statutes [NRS] 232B.210)

SUMMARY MINUTES AND ACTION REPORT

The fourth meeting of the Nevada Legislature's Sunset Subcommittee of the Legislative Commission was held on Tuesday, February 23, 2016, at 9 a.m. in Room 3137 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer Building, 555 East Washington Avenue, Las Vegas, Nevada. A copy of this set of "Summary Minutes and Action Report," including the "Meeting Notice and Agenda" ([Exhibit A](#)) and other substantive exhibits, is available on the Nevada Legislature's website at <http://www.leg.state.nv.us/interim/78th2015/committee/>. In addition, copies of the audio or video record are available through the Legislative Counsel Bureau's Publications Office (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835) and may be available online at <http://www.leg.state.nv.us/Granicus/>.

COMMITTEE MEMBERS PRESENT IN CARSON CITY:

Senator James A. Settelmeyer, Chair
Senator Donald G. Gustavson
William "Buzz" Harris
Teresa Rankin

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Senator David R. Parks
Assemblywoman Irene Bustamante Adams
Assemblyman Glenn E. Trowbridge, Vice Chair

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Carol M. Stonefield, Chief Principal Research Analyst, Research Division
James W. Penrose, Senior Principal Deputy Legislative Counsel, Legal Division
Janet Coons, Principal Administrative Assistant, Research Division

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

AGENDA ITEM I—OPENING REMARKS

Chair Settlemeyer called the meeting to order.

AGENDA ITEM II—PUBLIC COMMENT

Chair Settlemeyer called for public comment.

A.R. (Bob) Fairman, resident, Carson City, Nevada, provided information regarding the statutes and regulations for the Nevada Transportation Authority (NTA), Department of Business and Industry (DBI), and the Taxicab Authority (TA), DBI ([Exhibit B](#)).

Jonathan Friedrich, former Commissioner of the Commission for Common-Interest Communities and Condominium Hotels (CICCH), Real Estate Division (RED), DBI, provided written testimony ([Exhibit C](#)) and supporting information ([Exhibit C-1](#)) regarding the actions and makeup of the Commission. He urged the Sunset Subcommittee either to disband or completely revamp the Commission.

Adrian Ruiz, D.D.S, Radiant Smiles, Las Vegas, Nevada, and member of the Las Vegas Dental Association, submitted written testimony regarding the complaint and dispute resolution process of the Board of Dental Examiners of Nevada ([Exhibit D](#)).

The following Nevada residents commented on the TA:

- Joe J. Alfaro, employee, Yellow Cab Company;
- Lisa A. Blair;
- Jerome Gaffud;
- Richard Gray, shop steward, Industrial, Technical, and Professional Employees Union, and employee, Henderson Taxi ([Exhibit E](#));
- Yitbarek Hailu;
- Mike Petelin;
- Phillip Rodman, employee, Western Cab Company;
- Binyam Semereab ([Exhibit F](#));

- James E. Shaffner, Jr., Las Vegas; and
- Ward (no last name given).

Public comments addressed the following topics: (1) the number of taxicabs on the road; (2) the declining wages of taxicab drivers; (3) the decreasing number of rides; (4) the \$3 credit card charge; (5) the number of medallions issued; (6) the safety of taxicab drivers and customers; (7) the qualifications of taxicab drivers; (8) the inclusion of taxicab drivers as members of the TA; (9) competition from transportation network companies (TNCs), such as Uber and Lyft; (10) the possibility and consequences of eliminating the TA; (11) companies running on production versus seniority; (12) long-hauling; (13) customer run-outs; and (14) the treatment of taxicab drivers by the TA.

Randolph Watkins, former chair of the Commission for CICCH, licensed community manager, and owner of a homeowner's association (HOA) management company shared his support for the Commission. He noted Nevada's Office of the Ombudsman for Owners in CICCH, RED, DBI, was the first of its kind in the United States.

AGENDA ITEM III—APPROVAL OF MINUTES OF THE MEETING HELD ON FEBRUARY 9, 2016, IN CARSON CITY, NEVADA

Chair Settlemeyer announced the minutes were not available for approval.

AGENDA ITEM IV—CONSIDERATION OF THE STATUS OF THE ADVISORY COMMITTEE ON PARTICIPATORY DEMOCRACY (NRS 225.240), PREVIOUSLY REVIEWED DURING THE 2013–2014 INTERIM

Chair Settlemeyer stated the Sunset Subcommittee reviewed the Advisory Committee on Participatory Democracy (ACPD) ([Exhibit G](#)) during the 2013–2014 Interim, and then Secretary of State (SOS), Ross Miller, recommended the Committee be continued to allow the next SOS to make any decisions regarding the ACPD.

Barbara K. Cegavske, SOS, introduced Wayne Thorley, Deputy for Elections, Office of the SOS.

Mr. Thorley provided an overview of the (1) history; (2) funding; (3) membership; and (4) duties of the ACPD ([Exhibit H](#)). He shared NRS 225.200 through 225.270, which apply to the ACPD ([Exhibit H-1](#)). Mr. Thorley stated the Office of the SOS agrees with the prior administration that the ACPD be continued.

Secretary Cegavske requested the 2017 Legislature review the size of the ACPD and the required number of meetings. She suggested statutory language that would allow up to four meetings and up to ten members.

Secretary Cegavske shared the activities in which the Office of the SOS is involved and presented information regarding the National Center for Learning & Civic Engagement ([Exhibit I](#)). She mentioned Inspire Nevada, a national organization that encourages high school students to register to vote.

Assemblywoman Bustamante Adams and Secretary Cegavske discussed whether reducing the number of members would affect the diversity of the ACPD.

Chair Settlemeyer asked Secretary Cegavske to submit her requested statutory changes regarding the number of members and meetings to the Subcommittee in writing.

AGENDA ITEM V—PUBLIC HEARING CONCERNING THE TERMINATION, MODIFICATION, CONSOLIDATION, OR CONTINUED OPERATION OF CERTAIN ENTITIES PURSUANT TO NRS 232B.240

A. Commission for Common-Interest Communities and Condominium Hotels (NRS 116.600), Real Estate Division, Department of Business and Industry ([Exhibit J](#))

Bruce Breslow, Director, DBI, introduced Joseph Decker, Administrator, RED, DBI.

Mr. Decker provided written testimony explaining the dispute resolution services offered by the Commission for CICCH to unit owners who live in an HOA ([Exhibit K](#)). He stated that 83 percent of the participants of this program report satisfaction with the outcomes.

Responding to questions from Subcommittee members, Mr. Decker discussed the following:

- The time frame for complaint resolutions;
- The collection and tabulation of participant feedback for the informal dispute resolution program;
- The makeup of the Commission;
- The makeup and duties of the Office of the Ombudsman for Owners in CICCH; and
- The mediation process.

Mr. Breslow clarified that an HOA represents the unit owners, and the Commission is a nonbiased party that hears cases brought forward by the ombudsman and the RED.

B. Advisory Committee on Housing (NRS 319.173), Housing Division, Department of Business and Industry ([Exhibit L](#))

Mr. Breslow explained the purpose, history, and makeup of the Advisory Committee. Sharing how difficult it has been to get a quorum of members to meet, he suggested the Advisory Committee is no longer needed. Mr. Breslow noted that addressing underwater mortgages is not a function of the Advisory Committee.

C. Nevada Commission on Services for Persons with Disabilities (NRS 427A.1211), Aging and Disability Services Division (ADSD), Department of Health and Human Services (DHHS) ([Exhibit M](#))

Rique Robb, Chief, Disability Services, ADSD, DHHS, introduced Brian Patchett, Chair, Nevada Commission on Services for Persons with Disabilities (NCSPD), ADSD, DHHS.

Mr. Patchett explained the functions and membership of the NCSPD. He stressed NCSPD's significance in working with the Nevada Legislature regarding issues of persons with disabilities. Mr. Patchett said the Governor has charged NCSPD to carry out the results of a task force, appointed by the Governor, related to the employment of persons with intellectual or developmental disabilities.

D. Subcommittee on Personal Assistance for Persons with Severe Functional Disabilities of the Nevada Commission on Services for Persons with Disabilities (NRS 426.731), ADSD, DHHS ([Exhibit N](#))

Mr. Patchett recommended the Subcommittee on Personal Assistance for Persons with Severe Functional Disabilities of the NCSPD, ADSD, DHHS, be eliminated because its duties are taken care of within the NCSPD.

E. Interagency Panel (NRS 395.070), DHHS ([Exhibit O](#))

Chair Settlemeyer said the Interagency Panel, DHHS, was selected because of its inactivity.

Jane Gruner, Acting Administrator, Division of Child and Family Services, DHHS, provided a history of the Interagency Panel. She noted it has been inactive for several years and recommended its elimination.

AGENDA ITEM VI—WORK SESSION—DISCUSSION AND POSSIBLE ACTIONS ON RECOMMENDATIONS RELATING TO:

Carol M. Stonefield, previously identified, stated the goal of the work session is to determine whether an entity should be terminated, modified, consolidated with another agency, or continued without any recommendations ([Exhibit P](#)).

A. Executive Branch Audit Committee (NRS 353A.038), Division of Internal Audits, Department of Administration*

MOTION: Vice Chair Trowbridge moved approval of continuing the Executive Branch Audit Committee and amending NRS to authorize the Chair of the Committee to direct the Administrator to perform an audit without first obtaining the approval of the entire Committee and that the final report of such an audit be submitted to the full Committee. The motion was seconded by Senator Gustavson and passed unanimously.

*The Division of Internal Audits moved from the Department of Administration to the Office of the Governor (OG) in July 2015.

B. New Energy Industry Task Force (NRS 701.500), Office of Energy, Office of the Governor

Ms. Stonefield reminded the members that the Task Force was reviewed at the Subcommittee's February 9, 2016, meeting, at which time the OG recommended the Task Force be continued, which would not require any revisions to NRS.

Chair Settlemeyer requested the Task Force report to either the Sunset Subcommittee or the Legislative Commission. He stated he would reserve a bill draft request for elimination if the Task Force does not meet within the next year.

Ms. Stonefield clarified that current NRS provides the Director of the Office of Energy will appoint the Task Force members. Reiterating that testimony from the OG stated no revisions to NRS would be necessary to reactivate the Task Force, she added the 2017 Legislature could revise NRS if needed.

MOTION: Senator Gustavson moved approval of continuing the New Energy Industry Task Force and sending letters to the Governor and the Director of the Office of Energy recommending the reactivation of the Task Force, the assignment of new goals and directives, and the receipt of a status report by February 1, 2017. The motion was seconded by Vice Chair Trowbridge and passed unanimously.

C. Nevada Transportation Authority (NRS 232.510 and NRS 706.1511), Department of Business and Industry

Ms. Stonefield shared the responsibilities of the NTA, noting the Nevada Legislature empowered the NTA with the regulation of TNCs in 2015. Ms. Stonefield said the NTA had no recommendations for statutory changes at the Subcommittee's February 9, 2016, meeting. She noted the NTA was reviewed by the Subcommittee in 2014, which recommended continuation. Ms. Stonefield stated the DBI is reviewing any policy proposals to consolidate the Clark County taxicab system with the system overseen by the NTA.

Mr. Harris questioned whether action regarding the NTA should be held until a decision is made regarding the TA.

Responding to Assemblywoman Bustamante Adams' concern regarding the number of staff subsequent to the additional responsibilities of regulating TNCs, Ann Wilkinson, Chair, NTA, provided an update on recruiting and hiring for new positions.

MOTION: Vice Chair Trowbridge moved to delay taking any action on the NTA. The motion was seconded by Senator Gustavson and passed unanimously.

AGENDA ITEM VII—DISCUSSION OF SCHEDULE AND SCHEDULING FUTURE MEETINGS

The Subcommittee selected April 21, 2016, and June 16, 2016, for future meeting dates.

AGENDA ITEM VIII—STATUS REPORT ON THE FILLING OF VACANCIES ON THE SUNSET SUBCOMMITTEE

Chair Settlemeyer reported that the OG has been notified of the nonlegislative vacancy, and Rick Combs, Director, Legislative Counsel Bureau, has contacted Assembly Speaker John Hambrick regarding the legislative vacancy.

AGENDA ITEM IX—PUBLIC COMMENT

Chair Settlemeyer called for public comment.

Robert L. Robey, resident, Las Vegas, Nevada, submitted written testimony regarding the Commission for CICCH ([Exhibit Q](#)).

After the meeting, Joseph Decker, previously identified, submitted information regarding the Informal Conference Program of the Office of the Ombudsman for Owners in CICCH, RED, DBI, ([Exhibit R](#)), per Assemblywoman Bustamante Adams' request.

AGENDA ITEM X—ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 11:07 a.m.

Respectfully submitted,

Janet Coons
Principal Administrative Assistant

Carol M. Stonefield
Chief Principal Research Analyst

APPROVED BY:

Senator James A. Settlemeyer, Chair

Date: _____

EXHIBITS

EXHIBIT	WITNESS/ENTITY	DESCRIPTION
<u>Exhibit A</u>	Carol M. Stonefield, Chief Principal Research Analyst, Research Division, Legislative Counsel Bureau (LCB)	Agenda
<u>Exhibit B</u>	A.R. (Bob) Fairman, resident, Carson City, Nevada	Statutes and regulations for the Nevada Transportation Authority, Department of Business and Industry (DBI), and the Taxicab Authority, DBI
<u>Exhibit C</u>	Jonathan Friedrich, former Commissioner of the Commission for Common-Interest Communities and Condominium Hotels (CICCH), Real Estate Division (RED), DBI	Written testimony
<u>Exhibit C-1</u>	Jonathan Friedrich, former Commissioner of the Commission for CICCH, RED, DBI	Information regarding the Commission for CICCH
<u>Exhibit D</u>	Adrian Ruiz, D.D.S, Radiant Smiles, Las Vegas, Nevada, and member of the Las Vegas Dental Association	Written testimony
<u>Exhibit E</u>	Richard Gray, resident, Henderson, Nevada	Written testimony and photographs
<u>Exhibit F</u>	Binyam Semereab, resident of Nevada	Written testimony
<u>Exhibit G</u>	Carol M. Stonefield, Chief Principal Research Analyst, Research Division, LCB	Information regarding the Advisory Committee on Participatory Democracy
<u>Exhibit H</u>	Wayne Thorley, Deputy for Elections, Office of the Secretary of State (SOS)	Microsoft PowerPoint presentation
<u>Exhibit H-1</u>	Wayne Thorley, Deputy for Elections, Office of the SOS	<i>Nevada Revised Statutes 225.200 through 225.270</i>
<u>Exhibit I</u>	Barbara K. Cegavske, SOS	Information regarding the National Center for Learning & Civic Engagement
<u>Exhibit J</u>	Carol M. Stonefield, Chief Principal Research Analyst, Research Division, LCB	Information regarding the Commission for CICCH

Exhibit K	Joseph Decker, Administrator, RED, DBI	Written testimony
Exhibit L	Carol M. Stonefield, Chief Principal Research Analyst, Research Division, LCB	Information regarding the Advisory Committee on Housing
Exhibit M	Carol M. Stonefield, Chief Principal Research Analyst, Research Division, LCB	Information regarding the Nevada Commission on Services for Persons with Disabilities (NCSPD)
Exhibit N	Carol M. Stonefield, Chief Principal Research Analyst, Research Division, LCB	Information regarding the Subcommittee on Personal Assistance for Persons with Severe Functional Disabilities of the NCSPD
Exhibit O	Carol M. Stonefield, Chief Principal Research Analyst, Research Division, LCB	Information regarding the Interagency Panel
Exhibit P	Carol M. Stonefield, Chief Principal Research Analyst, Research Division, LCB	Work Session Document
Exhibit Q	Robert L. Robey, resident, Las Vegas, Nevada	Written testimony
Exhibit R	Joseph Decker, Administrator, RED, DBI	Information regarding the Informal Conference Program of the Office of the Ombudsman for Owners in CICCH, RED, DBI

This set of “Summary Minutes and Action Report” is supplied as an informational service. Exhibits in electronic format may not be complete. Copies of the complete exhibits and other materials distributed at the meeting are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library online at www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm or telephone: (775) 684-6827.