



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

SUMMARY MINUTES AND ACTION REPORT

The sixth and final meeting and Work Session of the Nevada Legislature's Sunset Subcommittee of the Legislative Commission was held on Wednesday, June 4, 2014, at 8:30 a.m. in Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, 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/77th2013/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).

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Assemblywoman Irene Bustamante Adams, Chair
Senator Patricia (Pat) Spearman, Vice Chair
Senator David R. Parks
Assemblywoman Michele Fiore

COMMITTEE MEMBERS PRESENT IN CARSON CITY:

Senator James A. Settelmeyer
Assemblyman Richard (Skip) Daly
Teresa (Terry) Rankin
William (Buzz) Harris

COMMITTEE MEMBER ABSENT:

David Goldwater

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Carol M. Stonefield, Managing Principal Policy Analyst, Research Division
James W. Penrose, Senior Principal Deputy Legislative Counsel, Legal Division
Natalie J. Pieretti, Senior Research Secretary, Research Division

OPENING REMARKS

- Chair Bustamante Adams asked the secretary to take roll.

PUBLIC COMMENT

- Chair Bustamante Adams called for public comment; however, none was presented.

APPROVAL OF MINUTES OF THE MEETING HELD ON APRIL 8, 2014, IN LAS VEGAS, NEVADA

- The Subcommittee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYWOMAN FIORE MOVED TO APPROVE THE “SUMMARY MINUTES AND ACTION REPORT” OF THE MARCH 4, 2014, MEETING HELD IN LAS VEGAS, NEVADA. THE MOTION WAS SECONDED BY VICE CHAIR SPEARMAN AND PASSED UNANIMOUSLY.

APPROVAL OF MINUTES OF THE MEETING HELD ON MAY 6, 2014, IN LAS VEGAS, NEVADA

- The Subcommittee **APPROVED THE FOLLOWING ACTION:**

SENATOR PARKS MOVED TO APPROVE THE “SUMMARY MINUTES AND ACTION REPORT” OF THE MAY 6, 2014, MEETING HELD IN LAS VEGAS, NEVADA. THE MOTION WAS SECONDED BY ASSEMBLYWOMAN FIORE AND PASSED UNANIMOUSLY.

WORK SESSION—DISCUSSION AND POSSIBLE ACTION ON RECOMMENDATIONS RELATING TO:

- *Advisory Commission on the Administration of Justice (NRS 176.0123)*
- *Nevada Equal Rights Commission (NRS 233.030)*
- *Nevada Commission for Women (NRS 233I.020)*
- *Land Use Planning Advisory Council (NRS 321.740)*
- *Executive Council of the Land Use Planning Advisory Council (NRS 321.755)*
- *Board for the Education and Counseling of Displaced Homemakers (NRS 388.615)*

- *Advisory Committee to the Pharmacy and Therapeutics Committee and the Drug Use Review Board (NRS 422.4055)*
- *Board of Trustees of the Fund for the Institutional Care of the Medically Indigent (NRS 428.470)*
- *Commission on Nuclear Projects (NRS 459.0091)*
- *Advisory Board on Water Resources Planning and Development (NRS 540.111)*
- *State Apprenticeship Council (NRS 610.030)*
- *Nevada Employment Security Council (NRS 612.305)*
- *Board of Hearing Aid Specialists (NRS 637A.030)*
- *Board of Examiners for Audiology and Speech Pathology (NRS 637B.100)*
- *State and Local Government Panel on Renewable and Efficient Energy (NRS 701.450)*
- *Nevada Transportation Authority (NRS 706.1511)*

The following “Work Session Document” ([Exhibit B](#)) has been prepared by the Chair and staff of the Sunset Subcommittee of the Legislative Commission (NRS 232B.210). It is designed to assist the Subcommittee members in determining whether to recommend a board or commission be terminated, modified, consolidated with another agency, or continued. 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 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, Managing 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 Commission on the Administration of Justice (NRS 176.0123)

The Advisory Commission on the Administration of Justice (ACAJ) was established in 1995 as the Advisory Commission on Sentencing. The name was changed to its current form in 2007. There are four statutory subcommittees of the ACAJ, as well as two studies assigned in the 2013-2014 Interim. Its duties include reviewing the criminal justice system, evaluating the impact of policies and practices, considering juvenile justice in Nevada, and reporting and making recommendations on the administration of justice.

Should the Advisory Commission on the Administration of Justice be terminated?

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

If the Subcommittee recommends that the Advisory Commission should continue:

- a. Does the Subcommittee want to recommend any changes concerning the Advisory Commission on the Administration of Justice?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Advisory Commission on the Administration of Justice?*

The Subcommittee considered the ACAJ at its meeting on May 6, 2014. At that time, the Chair of the ACAJ suggested the resolution of the overlapping duties of the ACAJ with the Legislative Committee on Child Welfare and Juvenile Justice and with the Attorney General’s Advisory Committee to Study Laws Concerning Sex Offender Registration (ACSSORL). The Chair of the ACAJ also recommended that the ACAJ be granted authority to request bill drafts. Since the ACAJ and its existing subcommittees have focused on issues relating to the criminal justice system, the possibility of recommending a new subcommittee of the ACAJ to address civil issues was also discussed.

If the Subcommittee wishes to recommend changes to the operations of the Advisory Commission, the Subcommittee may wish to consider the following:

- A. Amend the NRS to provide that the ACAJ may request bill drafts. Senator Tick Segerblom, Chair of the ACAJ, indicated in his presentation that five bill drafts would be sufficient;
- B. Amend the NRS to eliminate overlapping duties between the Legislative Committee on Child Welfare and Juvenile Justice (NRS 218E.705) and the ACAJ’s Subcommittee on Juvenile Justice (NRS 176.0124); and/or

C. Amend the NRS to eliminate overlapping duties with the A.G.'s ACSSORL (NRS 179D.132).

- Carol M. Stonefield, previously identified, provided a brief overview of the ACAJ and explained the Subcommittee can make a recommendation to terminate, modify, consolidate with another agency, or continue the ACAJ. She added that any recommendations made will be forwarded to the Legislative Commission for its consideration.

VICE CHAIR SPEARMAN MOVED TO RECOMMEND CONTINUATION OF THE ADVISORY COMMISSION ON THE ADMINISTRATION OF JUSTICE. THE MOTION WAS SECONDED BY ASSEMBLYWOMAN FIORE.

- Prior to taking a vote, Chair Bustamante Adams clarified for the Subcommittee the motion for continuation includes Recommendation A, Recommendation B, and Recommendation C.
- James W. Penrose, Senior Principal Deputy Legislative Counsel, Legal Division, LCB, noted the overlap with the ACSSORL is insignificant from a statutory standpoint and provided additional options to the Subcommittee, which included: (1) amend the provisions of the ACAJ to clearly state the ACAJ is not to concern itself with the subject of the registration of sex offenders; or (2) eliminate the ACSSORL.
- Chair Bustamante Adams recommended amending the provisions of the ACAJ to clearly state the ACAJ is not to concern itself with the subject of the registration of sex offenders.
- Chair Bustamante Adams and Assemblywoman Fiore discussed the possible amendment or elimination of Assembly Bill 579 (Chapter 485, *Statutes of Nevada 2007*).
- With the information provided by Assemblywoman Fiore relative to A.B. 579, Chair Bustamante Adams proposed removing Recommendation C from the motion to continue the ACAJ.
- Assemblyman Daly discussed concerns for a civil oversight subcommittee of court proceedings.
- Chair Bustamante Adams suggested a recommendation may be included with the motion to recommend the ACAJ review the possibility of a civil oversight subcommittee.
- Vice Chair Spearman voiced support of Assemblyman Daly's concerns for an oversight subcommittee of civil court proceedings.

- Senator Settlemeyer agreed with the continuation of the ACAJ, as well as the elimination of any overlap, and asked for clarification regarding the five bill draft requests (BDRs).
- Ms. Stonefield stated the ACAJ does not have any BDRs at this time, and the request from Senator Segerblom was for five BDRs for issues the ACAJ deems important during each interim. She reiterated the motion before the Subcommittee is to recommend continuation of the ACAJ with Recommendations A and B, but not Recommendation C, as well as the additional recommendation to establish a subcommittee on civil court proceedings.

VICE CHAIR SPEARMAN AMENDED HER MOTION TO RECOMMEND CONTINUATION OF THE ADVISORY COMMISSION ON THE ADMINISTRATION OF JUSTICE TO INCLUDE RECOMMENDATION A AND RECOMMENDATION B, AS WELL AS THE ADDITIONAL RECOMMENDATION FOR THE ACAJ TO ESTABLISH AN OVERSIGHT SUBCOMMITTEE FOR CIVIL COURT PROCEEDINGS.

- Prior to taking a vote, Ms. Stonefield reported with regard to Recommendation B, the ACAJ's Subcommittee on Juvenile Justice has not met following the creation of the Committee on Child Welfare and Juvenile Justice.
- Senator Settlemeyer expressed concern with the request for additional BDRs in light of the legislation reducing the total number of BDRs during the 77th Legislative Session.
- Senator Parks added over the last four sessions, he has contributed a BDR to the ACAJ and stands ready to contribute another BDR in the upcoming session. He commented the ACAJ's request for five BDRs is appropriate.
- The Subcommittee **APPROVED THE FOLLOWING ACTION:**

THE PREVIOUS MOTION BY VICE CHAIR SPEARMAN TO RECOMMEND CONTINUATION OF THE ADVISORY COMMISSION ON THE ADMINISTRATION OF JUSTICE TO INCLUDE RECOMMENDATION A AND RECOMMENDATION B, AS WELL AS THE ADDITIONAL RECOMMENDATION FOR THE ACAJ TO ESTABLISH AN OVERSIGHT SUBCOMMITTEE FOR CIVIL COURT PROCEEDINGS AND SECONDED BY ASSEMBLYWOMAN FIORE WAS PASSED UNANIMOUSLY.

2. Nevada Equal Rights Commission (NRS 233.030)

The Nevada Equal Rights Commission (NERC) was established in 1961. The NERC is to work to improve understanding among demographic groups, study problems, seek cooperation in educational campaigns, and work with federal and State agencies to carry out its responsibilities. The Commission may order investigations, mediate among parties, issue subpoenas, hold hearings, and adopt regulations.

Should the Nevada Equal Rights Commission be terminated?

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

If the Subcommittee recommends that the Commission should continue:

- a. Does the Subcommittee want to recommend any changes concerning the Nevada Equal Rights Commission?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Nevada Equal Rights Commission?*

At its meeting on May 6, 2014, the Subcommittee considered the NERC. According to testimony, the NERC receives between 900 and 1000 complaints annually; most complaints relate to race, gender, or sexual orientation, and most actions filed are retaliation complaints. Because of staff vacancies, the wait time before meeting with an investigator can be up to five weeks. Approximately 46 percent of cases close within six months of filing. Because the NERC contracts with the federal Equal Employment Opportunity Commission, they share information on cases. The Administrator reported that there is no mechanism in place for customer feedback.

The NERC does not have any recommendations for revisions.

If the Subcommittee wishes to recommend changes to the operations of the Commission, the Subcommittee may wish to consider the following:

Urge the NERC to establish a formal process for customer feedback. This could be accomplished by:

1. Sending a letter to the Commission; and/or
 2. Making a statement in the final report of the Subcommittee.
- Carol M. Stonefield, previously identified, provided a brief overview of the NERC and explained the Subcommittee can make a recommendation to terminate, modify, consolidate with another agency, or continue the NERC. She added that any recommendations made will be forwarded to the Legislative Commission for its consideration. (Please see [Exhibit C.](#))

VICE CHAIR SPEARMAN MOVED TO RECOMMEND CONTINUATION OF THE NEVADA EQUAL RIGHTS COMMISSION. THE MOTION WAS SECONDED BY SENATOR PARKS.

- Prior to taking a vote, Chair Bustamante Adams noted the recommendation includes urging the NERC to establish a formal process for customer feedback, as well as an additional recommendation to review appropriation for staff in an effort to reduce the current five-week wait time.

Vice Chair Spearman remarked on the importance of codifying the process to ensure that individuals who do business with the State are not part of willful acts of discrimination and are abiding by the equal opportunity laws of the State. Discussion was held between Chair Bustamante Adams and Vice Chair Spearman.

- Responding to Chair Bustamante Adams' question, Kara Jenkins, Administrator, NERC, Nevada Department of Employment, Training and Rehabilitation (DETR), testified there is no published list of individuals named in allegations. She said the process is captured through investigatory proceedings, and pursuant to NRS, the NERC is unable to disclose the names of parties involved in the investigation.

Chair Bustamante Adams asked what occurs once it is determined there is a justification for the allegation. Ms. Jenkins replied that the case is closed out under what is called conciliation. A private settlement process is then initiated where training and outreach is offered.

Vice Chair Spearman reiterated the importance of capturing repeat offenders. Ms. Jenkins stated she will discuss the matter with her legal counsel, but the issue may have to be mandated. Discussion ensued between Vice Chair Spearman and Ms. Jenkins.

- Chair Bustamante Adams suggested noting in the Subcommittee's final report to the Legislative Commission a statement of concern that entities doing business with the State of Nevada abide by its equal opportunity laws. She asked Ms. Jenkins to report her findings on the capturing of repeat offenders after discussions with legal counsel.
- The Subcommittee **APPROVED THE FOLLOWING ACTION:**

THE PREVIOUS MOTION BY VICE CHAIR SPEARMAN TO RECOMMEND CONTINUATION OF THE NEVADA EQUAL RIGHTS COMMISSION WITH THE ADDED RECOMMENDATION TO URGE THE NERC TO ESTABLISH A FORMAL PROCESS FOR CUSTOMER FEEDBACK, AS WELL AS REVIEWING APPROPRIATIONS FOR STAFF IN AN EFFORT TO REDUCE THE CURRENT FIVE-WEEK WAIT TIME AND SECOND BY SENATOR PARKS PASSED UNANIMOUSLY.

3. Nevada Commission for Women (NRS 233I.020)

The Nevada Commission for Women was created in 1991. According to minutes of legislative committees, its purpose was to act as a clearinghouse for information for women and children and to organize community service programs.

The Commission is to consist of ten members, appointed by the Governor. Members must reflect varied political philosophies. The Commission is charged to study the changing role of women in society, including socioeconomic influences. The Commission may also collect and disseminate information on activities, programs, and services available to women. The Commission produced a legal guide for women and a handbook for victims of domestic violence.

Should the Nevada Commission for Women be terminated?

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

If the Subcommittee recommends that the Commission should continue:

- a. Does the Subcommittee want to recommend any changes concerning the Nevada Commission for Women?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Nevada Commission for Women?*

The Subcommittee considered the Commission at its meeting on February 3, 2014. Records from the 1990s exist for meetings, a roster of members of the Commission, and reports and publications. The Office of the Governor, who is the appointing authority, confirms that it considers the Commission to be inactive.

If the Subcommittee wishes to make recommendations concerning the Commission, the Subcommittee may wish to consider the following:

- A. Send a letter to the Governor urging the reactivation of the Commission;
 - B. Recommend revisions to the provisions of Chapter 233I of NRS, including the Commission's membership, the appointing authority, and the operations; and/or
 - C. Recommend moving the Commission under the auspices of a State agency or department, which would provide administrative support.
- Carol M. Stonefield, previously identified, provided a brief overview of the Commission and explained the Subcommittee can make a recommendation to terminate, modify, consolidate with another agency, or continue the Commission. She added that any

recommendations made will be forwarded to the Legislative Commission for its consideration. She reported after speaking with the Governor's staff, it was requested that the Commission not be abolished, as appointments to the Commission will be made in the near future. (Please see [Exhibit D.](#))

Vice Chair Spearman asked whether diversity in political philosophy was the only classification that is being considered for representation on the Commission. Ms. Stonefield replied the ten members of the Commission must represent various political philosophies. Chair Bustamante Adams suggested a recommendation could be made making known the Subcommittee's position on the diversity of the Commission membership. Vice Chair Spearman stated she was comfortable with making the recommendation explicit to include diversity, and not specifically political diversity. Vice Chair Spearman confirmed she was looking at a change to the NRS.

- Marlene Lockard, Nevada Women's Lobby, strongly urged the retention of the Commission and requested an opportunity to work with the Governor's office on any statutory changes that may be necessary in the 78th Legislative Session. She supported Vice Chair Spearman's recommendations.

The Subcommittee **APPROVED THE FOLLOWING ACTION:**

VICE CHAIR SPEARMAN MOVED TO RECOMMEND THE CONTINUATION OF THE NEVADA COMMISSION FOR WOMEN, ALONG WITH THE INCLUSION OF RECOMMENDATION A AND RECOMMENDATION B. THE MOTION WAS SECONDED BY ASSEMBLYWOMAN FIORE AND PASSED UNANIMOUSLY.

(The following two matters were heard concurrently, but voted on separately, pursuant to the direction of Chair Bustamante Adams.)

4. Land Use Planning Advisory Council (NRS 321.740)

The State Land Use Planning Advisory Council (SLUPAC) was created in 1973 as part of the larger issue of land use planning. The Executive Council to the SLUPAC (NRS 321.755 through 321.770) was added in 1977 to decide land use planning conflicts between local governments and political subdivisions and to address areas of critical environmental concern. The members of the SLUPAC include one representative from each county and one representative of the Nevada Association of Counties (NACO). Staff support is provided by the Division of State Lands.

Should the Land Use Planning Advisory Council be terminated?

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

If the Subcommittee recommends that the Council should continue:

- a. Does the Subcommittee want to recommend any changes concerning the Land Use Planning Advisory Council?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Land Use Planning Advisory Council?*

At its meeting on March 4, 2014, the Administrator of the Division of State Lands informed the Subcommittee that the SLUPAC provides a means for the counties to address issues in planning and development. The Advisory Council is a forum for the counties and a vehicle for the local governments to participate in discussions of land use planning. The Administrator identified issues that serve as examples of topics to come before the Advisory Council, including designation of endangered species, the impact of wild horses, urban development, renewable energy, and military base closings.

The SLUPAC does not have any recommendations for revisions.

5. Executive Council of the Land Use Planning Advisory Council (NRS 321.755)

The SLUPAC was created in 1973 as part of the larger issue of land use planning. The Executive Council to the SLUPAC was added in 1977 to decide land use planning conflicts between local governments and political subdivisions and to address areas of critical environmental concern. The Executive Council consists of four members of the SLUPAC, selected by its members. The SLUPAC and the Executive Council are supported by the staff from the Division of State Lands.

Nevada Revised Statutes 321.763 provides that the Executive Council may adopt land use regulations to carry out its decisions when resolving inconsistencies in land use plans between two or more adjacent or overlapping local government entities. Further, pursuant to NRS 321.770, the Executive Council may propose land use regulations for planning policies in areas of critical concern; any such proposed regulation becomes effective only with the approval of the Governor.

Should the Executive Council of the Land Use Planning Advisory Council be terminated?

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

If the Subcommittee recommends that the Executive Council should continue:

- a. Does the Subcommittee want to recommend any changes concerning the Executive Council of the Land Use Planning Advisory Council?*

b. Does the Subcommittee want to recommend any changes to the duties of the Executive Council of the Land Use Planning Advisory Council?

At its meeting on March 4, 2014, the Administrator of the Division of State Lands informed the Subcommittee that the members of the Executive Council are selected according to the SLUPAC bylaws, which do not require recognition of geographic distribution or population representation. All positions on the Executive Council were vacant at the time of the Subcommittee meeting; Assembly Bill 2 (Chapter 100, *Statutes of Nevada 2013*) provided that all terms of SLUPAC members would expire on December 31, 2013. New terms began on January 1, 2014. The election of the new Executive Council was scheduled to have taken place at the May 23, 2014, meeting of the Advisory Council.

The Executive Council is empowered to settle conflicts between adjacent local jurisdictions and in areas of critical concern. If it issues a land use regulation, it may also set an expiration date for that regulation. The Administrator indicated that the Executive Council had not exercised its regulatory authority during his tenure.

If the Subcommittee wishes to recommend changes to the operations of the Executive Council, the Subcommittee may wish to consider the following:

- A. Amend the NRS to provide that the membership of the Executive Council must ensure a geographic and population distribution among Nevada's counties;
- B. Amend the NRS to:
 - 1. Narrow or repeal the authority of the Executive Council to adopt land use regulations; or
 - 2. Transfer such authority to adopt land use regulations to the full Advisory Council.
- Carol M. Stonefield, previously identified, provided a brief overview of the SLUPAC and the Executive Council of the SLUPAC and explained the Subcommittee can make a recommendation to terminate, modify, consolidate with another agency, or continue the SLUPAC and the Executive Council of the SLUPAC. She added that any recommendations made will be forwarded to the Legislative Commission for its consideration. (Please see [Exhibit E.](#))

SENATOR SETTELMAYER MADE A MOTION TO RECOMMEND CONTINUATION OF BOTH THE STATE LAND USE PLANNING ADVISORY COUNCIL AND THE EXECUTIVE COUNCIL TO THE STATE LAND USE PLANNING ADVISORY COUNCIL.

Senator Settelmeyer agreed the regulatory authority consists of the full board and not just the SLUPAC's Executive Council. Assemblyman Daly agreed with transferring regulatory authority to the entire board.

Discussion was held between Chair Bustamante Adams and Senator Settlemeyer, who had no opposition to a representative member from Clark County on the Executive Council. He suggested a summary of prior membership of the Executive Council be provided. Chair Bustamante Adams noted the suggestion would be contained in the Subcommittee's final report.

- James W. Penrose, previously identified, drew the Subcommittee's attention to a distinction in the statute between actually making a decision to resolve the conflict and adopting regulations to carry out that decision. He asked whether there is any intention of the Subcommittee to recommend changes with respect to the Executive Council's authority to make decisions in that area.
- Senator Settlemeyer opined the Executive Council should be allowed to make decisions. Assemblyman Daly agreed, stating the purpose of the Executive Council is to make decisions.
- Ms. Stonefield directed the Subcommittee's attention to NRS 321.761, which authorizes the Executive Council to settle disputes and conflicts between overlapping or neighboring jurisdictions, and NRS 321.770, which relates to areas of critical environmental concern.
- Senator Settlemeyer agreed the provisions of NRS 321.770 should relate to the SLUPAC as a whole body, and the Executive Council should be authorized to settle disputes and conflicts and other provisions under NRS 321.761.
- Mr. Penrose noted under existing law, the Executive Council is authorized to make recommendations in the areas of critical environmental concern, and any regulations require the approval of the Governor to adopt.
- The Subcommittee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYWOMAN FIORE MADE A MOTION TO RECOMMEND CONTINUATION OF THE STATE LAND USE PLANNING ADVISORY COUNCIL. THE MOTION WAS SECONDED BY SENATOR PARKS AND PASSED UNANIMOUSLY.
- With reference to the Executive Council of the SLUPAC, Ms. Stonefield, previously identified, remarked the motion would include deleting the words "and population" under Recommendation A. She stated with regard to Recommendation B, the motion would only include the transferring of such authority to adopt land use regulations to the full SLUPAC.
- Assemblyman Daly and Ms. Stonefield discussed the provisions of NRS 321.761, which would remain with the Executive Council, and the provisions under

NRS 321.770, which would be addressed by the full body of the SLUPAC with final approval by the Governor.

- The Subcommittee **APPROVED THE FOLLOWING ACTION:**

SENATOR SETTELMAYER MADE A MOTION TO RECOMMEND AMENDING THE NRS TO PROVIDE THAT THE MEMBERSHIP OF THE EXECUTIVE COUNCIL MUST ENSURE A GEOGRAPHIC DISTRIBUTION AMONG NEVADA'S COUNTIES AND TRANSFERRING SUCH AUTHORITY TO ADOPT LAND USE REGULATIONS TO THE FULL ADVISORY COUNCIL. THE MOTION WAS SECONDED BY ASSEMBLYWOMAN FIORE AND PASSED UNANIMOUSLY.

6. Board for the Education and Counseling of Displaced Homemakers (NRS 388.615)

The Board for the Education and Counseling of Displaced Homemakers was added to the statutes in 1989. Earlier legislation, creating a center for services for displaced homemakers, expired by limitation in 1985. Within funds available, the Board is to establish centers to provide services, including counseling, employment skills, financial management, and referrals to community services. Nevada Revised Statute 19.033 provides that a \$20 fee shall be added to any action to commence a divorce, which shall be placed in an account in the State General Fund to be administered by the DETR for these programs.

Should the Board for the Education and Counseling of Displaced Homemakers be terminated?

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:

- a. Does the Subcommittee want to recommend any changes concerning the Board for the Education and Counseling of Displaced Homemakers?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Board for the Education and Counseling of Displaced Homemakers?*

The Subcommittee considered the Board at its meeting on May 6, 2014. The Chair of the Board and individuals who had received benefits through Board-sponsored centers, discussed the effectiveness and importance of the programs for displaced homemakers.

The Board suggested revisions to include applying to dissolution of domestic partnerships the \$20 fee currently applied to any action to commence divorce proceedings. It also requested that the Board membership be revised to recognize that displaced homemakers who receive

assistance and who successfully complete programs might pursue other work and academic programs, which prevent them from serving on the Board.

If the Subcommittee wishes to recommend changes to the operations of the Board, the Subcommittee may wish to consider the following:

- A. Amend NRS 19.033 to provide that the \$20 fee applied at the commencement of divorce proceedings shall also apply to the dissolution of domestic partnerships;
- B. Amend NRS 388.615 to provide that the member of the Board who represents displaced homemakers may be either a current or former displaced homemaker; and/or
- C. Urge the Board and DETR to develop a website for the displaced homemaker programs and centers. This could be accomplished by:
 1. Sending a letter to the Board and the Director of DETR; and/or
 2. Making a statement in the final report of the Subcommittee.

If the Subcommittee wishes to urge the Board to develop a website, it might request a report of the status of the development of a website by January 1, 2016.

- Carol M. Stonefield, previously identified, provided a brief overview of the Board and explained the Subcommittee can make a recommendation to terminate, modify, consolidate with another agency, or continue the Board. She added that any recommendations made will be forwarded to the Legislative Commission for its consideration.
- Chair Bustamante Adams reported, after having discussions regarding the Board's role with appropriate individuals, she is confident about the purpose and relevancy of the Board.
- The Subcommittee **APPROVED THE FOLLOWING ACTION:**

VICE CHAIR SPEARMAN MADE A MOTION TO RECOMMEND THE CONTINUATION OF THE BOARD FOR THE EDUCATION AND COUNSELING OF DISPLACED HOMEMAKERS WITH THE INCLUSION OF RECOMMENDATION A, RECOMMENDATION B, AND RECOMMENDATION C AND ITS SUBPARAGRAPHS 1 AND 2. ADDITIONALLY, THE SUBCOMMITTEE WOULD RECOMMEND A REPORT OF THE STATUS OF THE DEVELOPMENT OF A WEBSITE BY JANUARY 1, 2016. THE MOTION WAS SECONDED BY SENATOR PARKS AND PASSED UNANIMOUSLY.

7. Advisory Committee for the Pharmacy and Therapeutics Committee and the Drug Use Review Board (NRS 422.4055)

The Advisory Committee for the Pharmacy and Therapeutics Committee and the Drug Use Review Board was established in 2003 to ensure public input into the activities of the Pharmacy and Therapeutics (P&T) Committee and the Drug Use Review (DUR) Board. Members of the Advisory Committee include representatives of the AARP, the National Alliance for the Mentally Ill of Nevada, and the Statewide Independent Living Council.

Should the Advisory Committee for the Pharmacy and Therapeutics Committee and the Drug Use Review Board be terminated?

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:

- a. Does the Subcommittee want to recommend any changes concerning the Advisory Committee for the Pharmacy and Therapeutics Committee and the Drug Use Review Board?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Advisory Committee for the Pharmacy and Therapeutics Committee and the Drug Use Review Board?*

The Subcommittee considered the Advisory Committee at its meeting on May 6, 2014. A representative of the Division of Health Care Financing and Policy in the Department of Health and Human Services (DHHS) informed the Subcommittee that the Advisory Committee had served its purpose; both the P&T Committee and the DUR Board comply with Nevada's Open Meeting Law (OML), which provides opportunity for public comment.

The representative recommended terminating the Advisory Committee.

- Carol M. Stonefield, previously identified, provided a brief overview of the Advisory Committee and explained the Subcommittee can make a recommendation to terminate, modify, consolidate with another agency, or continue the Advisory Committee. She added that any recommendations made will be forwarded to the Legislative Commission for its consideration.

- The Subcommittee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN DALY MOVED TO RECOMMEND TERMINATION OF THE ADVISORY COMMITTEE FOR THE PHARMACY AND THERAPEUTICS COMMITTEE AND THE DRUG USE REVIEW BOARD. THE MOTION WAS SECONDED BY SENATOR PARKS AND PASSED UNANIMOUSLY.

8. Board of Trustees of the Fund for the Institutional Care of the Medically Indigent (NRS 428.470)

The Board of Trustees of the Fund for the Institutional Care of the Medically Indigent was created in 1997 as part of larger legislation to realign the responsibility for the Medicaid match for long-term indigent care from the local governments to the State. The Board consists of five county commissioners, nominated by the NACO and appointed by the Governor. The Fund was established to serve as a revenue pool to assist counties with their portion of the long-term care costs.

Should the Board of Trustees of the Fund for the Institutional Care of the Medically Indigent be terminated?

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:

- a. Does the Subcommittee want to recommend any changes concerning the Board of Trustees of the Fund for the Institutional Care of the Medically Indigent?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Board of Trustees of the Fund for the Institutional Care of the Medically Indigent?*

The Board was considered by the Subcommittee at its meeting on May 6, 2014. According to information presented in a memorandum from the Fiscal Analysis Division, LCB, General Fund appropriations were approved in 1997, 1999, and 2001. Beginning in 2003, with the approval of “stop-loss” measures, the State began to pay for the long-term care costs. The Fund became inactive.

The Board currently has no members. The NACO representative informed the Subcommittee that, because of the passage of Senate Bill 452 (Chapter 479, *Statutes of Nevada 2013*), money will be available to assist with long-term care of indigent persons. For that reason, NACO may wish to reactivate the Board.

If the Subcommittee wishes to make recommendations concerning the Board of Trustees, it may wish to consider the following:

Recommend continuation with a requirement that representatives of the Board, NACO, or DHHS report to the Subcommittee by January 1, 2016, regarding the status of the Board and the Fund. If the Board has not met and no funds are available in the Fund at that time, the Subcommittee may wish to consider recommending termination.

- Carol M. Stonefield, previously identified, provided a brief overview of the Board and explained the Subcommittee can make a recommendation to terminate, modify, consolidate with another agency, or continue the Board. She added that any recommendations made will be forwarded to the Legislative Commission for its consideration.
- Senator Settlemeyer found it problematic the Board has not met recently and that the Board does not want to be terminated.
- Chair Bustamante Adams appreciated Senator Settlemeyer's comments, noting she wanted to be sensitive to the rural counties in the State.
- Assemblyman Daly concurred with Senator Settlemeyer's comments, indicating that he was leaning toward termination.
- Ms. Rankin added due to changes in the Patient Protection and Affordable Care Act (ACA) of 2010, and indigent payments and coverage of many previously indigent people now with health insurance, the role of this fund, and therefore the Board, has greatly changed and will undergo future changes. She recommended, if the Board is not meeting and there is no need for it now, terminate the Board, recognizing future changes may rectify any issues, or allow the Board to reactivate in some other form.
- Mr. Harris voiced similar comments.
- The Subcommittee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYWOMAN FIORE MOVED TO RECOMMEND TERMINATION OF THE BOARD OF TRUSTEES OF THE FUND FOR THE INSTITUTIONAL CARE OF THE MEDICALLY INDIGENT WITH THE CAVEAT THE BOARD MAY BE REINSTATED IN THE 2015 LEGISLATIVE SESSION DUE TO CHANGES IN THE ACA. THE MOTION WAS SECONDED BY ASSEMBLYMAN DALY AND PASSED UNANIMOUSLY.

9. Commission on Nuclear Projects (NRS 459.0091)

Nevada's Commission on Nuclear Projects was added to the statutes in 1985. Its mission is to be informed on issues and developments relating to the disposal of radioactive waste, to report to the Governor and the Legislature, and to oversee the Agency for Nuclear Projects, Office of the Governor. Recently a federal district court has issued a directive to the Nuclear Regulatory

Commission to restart the licensing proceedings on Yucca Mountain Nuclear Waste Repository.

Should the Commission on Nuclear Projects be terminated?

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

If the Subcommittee recommends that the Commission should continue:

- a. Does the Subcommittee want to recommend any changes concerning the Commission on Nuclear Projects?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Commission on Nuclear Projects?*

The Subcommittee considered the Commission at its meeting on May 6, 2014. The Chair of the Commission reported that the Commission currently has no budget; its expenses are covered by the Agency for Nuclear Projects. The Chair of the Commission identified a problem with the definition of low-level nuclear waste as provided in federal statutes. The Chair recommended that the definition of high-level radioactive waste should be changed because it is too broad. The Chair noted that the Governor has established a task force that is working with the United States Department of Energy to resolve this issue.

The Commission had no recommendations for statutory revisions.

If the Subcommittee wishes to make recommendations concerning the issues raised during the review of the Commission, it may wish to consider the following:

Send a letter to the Chair of the Legislative Committee on High-Level Radioactive Waste (NRS 459.0085), recommending that in the interest of public safety the Committee introduce in the 78th Session a concurrent resolution urging the U.S. Congress to revise certain provisions of the Nuclear Waste Policy Act of 1982, as amended, relating to the definitions of high-level radioactive waste and low-level radioactive waste.

- Carol M. Stonefield, previously identified, provided a brief overview of the Commission, and explained the Subcommittee can make a recommendation to terminate, modify, consolidate with another agency, or continue the Commission. She added that any recommendations made will be forwarded to the Legislative Commission for its consideration.

- The Subcommittee **APPROVED THE FOLLOWING ACTION:**

SENATOR PARKS MOVED TO RECOMMEND CONTINUATION OF THE COMMISSION ON NUCLEAR PROJECTS. HE ALSO MOVED TO RECOMMEND SENDING A LETTER TO THE CHAIR OF THE LEGISLATIVE COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE, RECOMMENDING THAT IN THE INTEREST OF PUBLIC SAFETY, THE COMMITTEE INTRODUCE IN THE 78TH LEGISLATIVE SESSION A JOINT RESOLUTION URGING THE U.S. CONGRESS TO REVISE CERTAIN PROVISIONS OF THE NUCLEAR WASTE POLICY ACT OF 1982, AS AMENDED, RELATING TO THE DEFINITIONS OF HIGH-LEVEL RADIOACTIVE WASTE AND LOW-LEVEL RADIOACTIVE WASTE. THE MOTION WAS SECONDED BY VICE CHAIR SPEARMAN AND PASSED UNANIMOUSLY.

10. Advisory Board on Water Resources Planning and Development (NRS 540.111)

The Advisory Board on Water Resources Planning and Development was created in 1989. Its purpose was to advise the Division of Water Planning. It worked to develop a State Water Plan in 1999. The Department of Conservation and Natural Resources (DCNR) dissolved the Division of Water Planning in 2000. The Division's programs were transferred to the Division of Water Resources. The Division of Water Planning was eliminated by the Legislature in 2005. The Office of the Governor, who is the appointing authority, confirms that it considers the Board to be inactive.

Should the Advisory Board on Water Resources Planning and Development be terminated?

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

If the Subcommittee recommends that the Advisory Board should continue:

a. Does the Subcommittee want to recommend any changes concerning the Advisory Board on Water Resources Planning and Development?

b. Does the Subcommittee want to recommend any changes to the duties of the Advisory Board on Water Resources Planning and Development?

The Subcommittee considered the Advisory Board at its meeting on February 3, 2014. A representative of the Division of Water Resources testified that water conservation plans are submitted to the Office of the State Engineer by water utilities and other purveyors. Conservation districts also provide information to the State Engineer. Additional coordination of public participation concerning water resources is provided through the Drought Response Committee (DRC).

If the Subcommittee wishes to make recommendations concerning the Advisory Board, it may wish to consider the following:

- A. Recommend terminating the Advisory Board and transferring the duties of the Advisory Board relating to policies for water resources planning to the DRC, which would be established in statute; and/or
 - B. Send a letter to the Governor and the DRC recommending that the DRC create more opportunities for public participation in the development of water planning and response to drought conditions.
- Carol M. Stonefield, previously identified, provided a brief overview of the Advisory Board and explained the Subcommittee can make a recommendation to terminate, modify, consolidate with another agency, or continue the Advisory Board. She added that any recommendations made will be forwarded to the Legislative Commission for its consideration.
 - James W. Penrose, previously identified, added in reviewing the definition of a “public body,” under the OML, the DRC is not subject to the requirements of the OML unless it is constituted in statute.
 - Assemblyman Daly stated he would not oppose terminating the Advisory Board and establishing a DRC.
 - Senator Settlemeyer agreed with the termination of the Advisory Board. He expressed concerns in complying with the OML with transferring powers and duties to the DRC.
 - Jason King, P.E., State Engineer, Division of Water Resources, DCNR, addressed Senator Settlemeyer’s concerns noting his office is monitoring the Drought Monitor. He pointed out the Advisory Board deals with water planning issues, while the DRC is very specific to dealing with drought issues. Mr. King noted a disconnect between the responsibilities of the two entities.
 - Senator Settlemeyer supported the termination of the Advisory Board and not transferring authorities to the DRC.

Discussion ensued between Assemblyman Daly and Mr. King. Mr. King remarked his office performs many water planning efforts, as well as supports the local governments who are involved in the water planning efforts.

- Assemblyman Daly favored terminating the Advisory Board. He agreed the OML is not an issue with reference to the DRC.
- Mr. King added the DRC does not wait for the federal government to declare a drought but acts when necessary.

- The Subcommittee **APPROVED THE FOLLOWING ACTION:**

SENATOR SETTELMAYER MOVED TO TERMINATE THE ADVISORY BOARD ON WATER RESOURCES PLANNING AND DEVELOPMENT. THE MOTION WAS SECONDED BY ASSEMBLYWOMAN FIORE AND PASSED UNANIMOUSLY.

11. State Apprenticeship Council (NRS 610.030)

The State Apprenticeship Council (SAC) was added to the statutes in 1939. The Council has the authority to establish standards for programs and agreements, adopt regulations, and approve and discipline programs.

Should the State Apprenticeship Council be terminated?

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

If the Subcommittee recommends that the Council should continue:

- a. Does the Subcommittee want to recommend any changes concerning the State Apprenticeship Council?*
- b. Does the Subcommittee want to recommend any changes to the duties of the State Apprenticeship Council?*

On May 6, 2014, the Subcommittee considered the Council. Testimony was received that current Nevada statutes conform to federal regulations that existed in 1977 but do not conform to federal regulations adopted in 2008. According to testimony, to meet the new federal regulations the SAC must be revised to become advisory, while a new State apprenticeship agency must be created to administer apprenticeship programs. Federal recognition of Nevada's apprenticeship programs may eventually be dependent on compliance with federal regulations.

At the May 6 meeting, the Subcommittee received an addendum to the review form previously submitted by the Council. The addendum reported that at its meeting on May 2, 2014, the Council approved the following attachment to the review form:

The Nevada State Apprenticeship Council believes the statutory provisions of NRS 610 and NAC 610 that govern the Council are beneficial and allow the Council to carry out its objectives and programs. However, the Federal Office of Apprenticeship has advised the Council that in order to continue to be recognized as the Registration Agency for Federal purposes in the State of Nevada, the provisions of NRS 610 and NAC 610 would need to be revised to bring them into conformity with 29 CFR part 29 and 29 CFR part 30.

If the Council decides to pursue conformity with federal regulations, some of the provisions of NRS 610 and NAC 610 would need to be revised.

The Council's Action Plan indicates that the Council will hold a workshop in August 2014 to discuss revisions to Nevada's apprenticeship laws and regulations. At the Subcommittee's meeting, Council members urged continuation of the Council in its present regulatory role.

If the Subcommittee wishes to make recommendations concerning the Council, it may wish to consider the following:

Urge the State Apprenticeship Council and the Labor Commissioner to work with the U.S. Secretary of Labor to identify changes that must be made to obtain federal recognition of Nevada's apprenticeship programs while maintaining the role of the Council. This recommendation might be accomplished by:

1. Sending a letter to the Governor with copies to the Labor Commissioner and the State Apprenticeship Council; and/or
2. Including a statement in the final report of the Subcommittee.

If the Subcommittee wishes to urge the Council and the Labor Commissioner to work to reach accommodations with the Secretary of Labor, it might request a report of the status of those efforts, prior to the convening of the 78th Session of the Legislature.

- Carol M. Stonefield, previously identified, provided a brief overview of the SAC and explained the Subcommittee can make a recommendation to terminate, modify, consolidate with another agency, or continue the SAC. She added that any recommendations made will be forwarded to the Legislative Commission for its consideration.
- Assemblyman Daly supported the recommendations for the continuation of the SAC and remarked he is open to discussion on the limitation of the number of times an individual can be reappointed to the SAC.
- Chair Bustamante Adams opined there needs to be training and limitations of reappointment of the chair for the SAC and stated she is willing to work with Assemblyman Daly on the issue.
- Assemblyman Daly discussed his support of the statutory make-up of the SAC membership. He was heard on the issue of the time limitation of the SAC chair.
- Upon inquiry by Chair Bustamante Adams, Subcommittee members voiced no concerns that she and Assemblyman Daly work together to achieve a succession plan.

- The Subcommittee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN DALY MOVED TO CONTINUE THE STATE APPRENTICESHIP COUNCIL WITH THE RECOMMENDATION TO URGE THE SAC AND THE LABOR COMMISSIONER TO WORK WITH THE U.S. SECRETARY OF LABOR TO IDENTIFY CHANGES THAT MUST BE MADE TO OBTAIN FEDERAL RECOGNITION OF NEVADA'S PROGRAMS WHILE MAINTAINING THE ROLE OF THE COUNCIL. THE MOTION WAS SECONDED BY VICE CHAIR SPEARMAN AND PASSED UNANIMOUSLY.

12. Nevada Employment Security Council (NRS 612.305)

The Nevada Employment Security Council was added to the statutes in 1941. The Council is to advise the Administrator of the Employment Security Division (ESD), DETR, on unemployment, worker training, establishment of reserves for public works, and research studies on these topics. The Council is also to advise the Administrator whenever it believes that a change in contribution or benefit rates is necessary to protect the solvency of the Unemployment Compensation Fund. The Board of Review, consisting of three members of the Council appointed by the Governor, is authorized to review decisions from the ESD on appeal.

Should the Nevada Employment Security Council be terminated?

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

If the Subcommittee recommends that the Council should continue:

- a. Does the Subcommittee want to recommend any changes concerning the Nevada Employment Security Council?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Nevada Employment Security Council?*

The Subcommittee considered the Council at its meeting on May 6, 2014. The Administrator reported that in recent years the Council has focused its advice on setting unemployment insurance rates. The Council is scheduled to meet on May 27, 2014, to discuss worker training.

The Subcommittee also received information that the Board of Review, consisting of three members of the Council, are individuals with experience who have worked in the Employment Security Division for a long time.

The Council made no recommendations for consolidation or revisions to its governing statutes.

If the Subcommittee wishes to make recommendations concerning the Council, it may wish to consider the following:

- A. Amend the NRS to provide criteria to be met for appointment of Council members to the Board of Review; and/or
 - B. Amend NRS 612.310 to revise the duties of the Council by repealing those duties that the Council does not perform, which would align the Council's duties with current practice.
- Carol M. Stonefield, previously identified, provided a brief overview of the Council and explained the Subcommittee can make a recommendation to terminate, modify, consolidate with another agency, or continue the Council. She added that any recommendations made will be forwarded to the Legislative Commission for its consideration. (Please see [Exhibit F.](#))

There was discussion between Assemblyman Daly, Ms. Rankin, and James W. Penrose, previously identified, regarding the criteria for appointment of Council members to the Board of Review.

- Ms. Rankin suggested if the Subcommittee has concerns regarding the Board of Review members, it has the ability in the Legislative Audit provisions or by directions of the Subcommittee, to look at how the three Council members are operating and whether fair hearings are being performed.

Chair Bustamante Adams asked for Subcommittee comments about the duties of the Council based upon NRS 612.310 and suggested a recommendation of the Subcommittee may be to repeal the duties not performed by the Council, as it may be transferred to another agency that is working on a strategic plan for workforce.

Mr. Penrose remarked with respect to the duties of the Council, if the Council is not actually performing any duties that are prescribed in the statute, it seems appropriate to eliminate those duties.

Ms. Stonefield noted if it is the interest of the Subcommittee to revise and update the duties of the Council, with the acceptance of the Subcommittee members, staff could work with the ESD and compile suggested duties that are more in line with the current practice.

- Chair Bustamante Adams and Assemblyman Daly did not have any opposition to staff working with the ESD.
- Assemblyman Daly stated he is open to discussion of the Board of Review.
- Chair Bustamante Adams recommended keeping the current criteria for appointment of the Council. Assemblyman Daly agreed.

Vice Chair Spearman voiced concern that, at some point in time, Council members may be appointed who are not sufficiently knowledgeable to perform their duties. She suggested phase-in training to ensure, if the need arose, that a member may be replaced, should they be unable to fulfill their duties.

- Chair Bustamante Adams asked for feedback from the Subcommittee members for making the training component a requirement or urging the Council to perform some type of phase-in training.
- Assemblyman Daly provided positive comments regarding the Board of Review.
- Chair Bustamante Adams directed Vice Chair Spearman's recommendation be put in a statement to the Council urging phase-in training.
- The Subcommittee **APPROVED THE FOLLOWING ACTION:**

SENATOR PARKS MOVED TO RECOMMEND CONTINUING THE NEVADA EMPLOYMENT SECURITY COUNCIL WITH THE RECOMMENDATION THAT LEGISLATIVE COUNSEL BUREAU STAFF WORK WITH THE EMPLOYMENT SECURITY DIVISION IN AN EFFORT TO REVISE THE DUTIES OF THE NEVADA EMPLOYMENT SECURITY COUNCIL IN ORDER TO ENSURE THOSE DUTIES ARE RELEVANT, AND THAT THE SUBCOMMITTEE URGE THE COUNCIL TO PHASE IN TRAINING FOR MEMBERS APPOINTED TO SERVE ON THE BOARD OF REVIEW. THE MOTION WAS SECONDED BY VICE CHAIR SPEARMAN AND PASSED UNANIMOUSLY.

(The following two Boards were heard concurrently, but voted on separately, pursuant to the direction of Chair Bustamante Adams.)

13. Board of Hearing Aid Specialists (NRS 637A.030)

The Board of Hearing Aid Specialists (BHAS) was established in 1973 to license dispensers of hearing aids. The Board shall administer and enforce the provisions of Chapter 637A of NRS, "Hearing Aid Specialists," and examine applicants. It may also issue licenses, discipline licensees, and establish requirements for applicants including continuing education.

Should the Board of Hearing Aid Specialists be terminated?

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:

- a. Does the Subcommittee want to recommend any changes concerning the Board of Hearing Aid Specialists?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Board of Hearing Aid Specialists?*

The Subcommittee considered the Board at its meeting on April 8, 2014. At that time, the Chair of the Board expressed concern regarding a proposal, offered by the Board of Examiners for Audiology and Speech Pathology (BEASP), to merge the two boards. The Chair testified that the hearing aid specialists anticipate fee increases, if the boards were to merge, and a diminished voice on a new board.

The Board proposed two statutory changes: (1) provide for a temporary license to individuals coming into Nevada who are licensed in other states; and (2) raise the ceiling on fees to allow for an increase in the exam fee.

If the Subcommittee wishes to make recommendations concerning the Board, it may wish to consider the following:

- A. Recommend merging the Board of Hearing Aid Specialists with the Board of Examiners for Audiology and Speech Pathology; and/or
- B. Amend Chapter 637A of NRS to comply with administrative procedures as provided in Chapters 233B, 622 and 622A of NRS.

In addition, the Subcommittee may wish to consider recommendations or comments relevant to the proposed statutory changes submitted by the BHAS, including the following:

- C. Amend the NRS to provide for a temporary license to an individual whose license or certificate issued in another state is in good standing; and/or
- D. Amend NRS Chapter 637A to increase the limitation on fees.

14. Board of Examiners for Audiology and Speech Pathology (NRS 637B.100)

The BEASP was created in 1979 to ensure professional standards and consumer protection. The Board has the authority to issue licenses, conduct examinations, set standards of ethical conduct, charge and collect fees as provided by the NRS, investigate complaints and take disciplinary actions, inspect premises, and adopt regulations.

Should the Board of Examiners for Audiology and Speech Pathology be terminated?

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:

a. Does the Subcommittee want to recommend any changes concerning the Board of Examiners for Audiology and Speech Pathology?

b. Does the Subcommittee want to recommend any changes to the duties of the Board of Examiners for Audiology and Speech Pathology?

At its meeting on April 8, 2014, the Subcommittee reviewed the Board. A representative testified that an audiologist who dispenses hearing aids must get licenses from this Board as well as the BHAS. The representative testified that a number of states have merged the boards that license audiologists with the boards that license hearing aid dispensers.

The representative reported that the Board plans to seek legislation in the 2015 Session to revise Chapter 637B of NRS, "Audiology and Speech Pathologists." The draft legislation proposes to permit audiologists to dispense hearing aids. It also recommends the creation of a new license for speech therapists and a provisional license, authorization to telepractice, and other administrative changes. The Board also indicated that substantive changes have not been made since 1979.

The representative identified to the Subcommittee three options: (1) retain the present separate boards; (2) expand the scope of practice of audiologists so that they can dispense hearing aids independent of the BHAS; or (3) merge the two boards.

If the Subcommittee wishes to make recommendations concerning the Board, it may wish to consider the following:

- A. Recommend merging the Board of Examiners for Audiology and Speech Pathology with the Board of Hearing Aid Specialists; and/or
- B. Amend Chapter 637B of the NRS to comply with administrative procedures as provided in Chapters 233B, 622 and 622A of the NRS.

In addition, the Subcommittee may wish to consider recommendations or comments relevant to the proposed legislation submitted by the BEASP, including the following:

- C. Amend the NRS to authorize the Board of Examiners of Audiology and Speech Pathology to permit licensed audiologists to dispense hearing aids, based upon demonstrated training and experience.

- Carol M. Stonefield, previously identified, provided a brief overview of the BHAS and the BEASP, and explained the Subcommittee can make a recommendation to terminate, modify, consolidate with another agency, or continue the BHAS or BEASP. She added that any recommendations made will be forwarded to the Legislative Commission for its consideration. (Please see [Exhibit G.](#))
- Ms. Rankin, previously identified, addressed the changes necessary for administrative procedures for hearings and regulations.
- Senator Parks disclosed he wears hearing aids with no issues. He remarked on the inconsistency of regulations of the BHAS and BEASP and recommended amending the statutory provisions.
- Vice Chair Spearman concurred with Senator Parks. She stated there is no reason the BHAS and BEASP could not be merged. Vice Chair Spearman added she was unable to ascertain whether any regulations exist for online purchasing of hearing aids and suggested regulations for online or other media purchases be recommended by the Subcommittee.
- Assemblyman Daly expressed his desire to ensure the BHAS does not lose its identity. He is not concerned with the issuance of a temporary license to an individual licensed in another state but said there should remain a distinction, even though it might be under one board, between hearing aid specialists and audiologists. Assemblyman Daly remarked if an audiologist desires to become a hearing aid dispenser, the audiologist will still have to apply under the hearing aid dispensing regulations. He favored merging the BHAS and BEASP, and recommended amending the statutes, if needed.
- Senator Settelmeyer added his support for consolidating the BHAS and BEASP.

SENATOR SETTELMAYER MOVED TO CONSOLIDATE THE BOARD OF HEARING AID SPECIALISTS AND THE BOARD OF EXAMINERS FOR AUDIOLOGY AND SPEECH PATHOLOGY.

- Chair Bustamante Adams called for anyone from the BHAS to come forward and address Vice Chair Spearman's inquiry regarding consumer protection for online or other media purchasing of hearing aids. However, there was no one present. Chair Bustamante Adams said she will work with staff to provide an answer to Vice Chair Spearman's question.
- Vice Chair Spearman remarked if consumer protection does not exist, the Subcommittee might include a recommendation to consider consumer protection and recourse.

- With regard to the Board of Hearing Aid Specialists, the Subcommittee **APPROVED THE FOLLOWING ACTION:**

SENATOR SETTELMAYER RENEWED HIS MOTION TO RECOMMEND CONSOLIDATION OF THE BOARD OF HEARING AID SPECIALISTS WITH THE BOARD OF EXAMINERS FOR AUDIOLOGY AND SPEECH PATHOLOGY WITH THE RECOMMENDATION THAT A REVIEW AND REVISION OF THE INCONSISTENCIES OF THE REGULATIONS TAKE PLACE. HE ALSO MOVED TO RECOMMEND RECOMMENDATION C AND RECOMMENDATION D UNDER THE BOARD OF HEARING AID SPECIALISTS. THE MOTION WAS SECONDED BY SENATOR PARKS AND PASSED UNANIMOUSLY.

- With regard to the Board of Examiners for Audiology and Speech Pathologists:

VICE CHAIR SPEARMAN MOVED TO RECOMMEND CONSOLIDATION OF THE BOARD OF HEARING AID SPECIALISTS WITH THE BOARD OF EXAMINERS FOR AUDIOLOGY AND SPEECH PATHOLOGY WITH THE RECOMMENDATION THAT A REVIEW AND REVISION OF THE INCONSISTENCIES OF THE REGULATIONS TAKE PLACE. THE MOTION WAS SECONDED BY SENATOR PARKS.

Prior to taking a vote, Assemblyman Daly clarified the intent of the motion is to consolidate the BHAS and BEASP into one board, with one board administering two separate statutes and two separate applications, so that the hearing aid dispensers will maintain their integrity and the audiologists will be required to obtain an audiology license, and if the audiologist intends to dispense hearing aids, a hearing aid license.

- James W. Penrose, previously identified, inquired if the motion regarding the fees pertains to all fees provided for in the statute. Chair Bustamante Adams confirmed the motion pertains to all fees.
- Ms. Stonefield asked for clarification on whether Recommendation C, which would amend the NRS to authorize the Board of Examiners of Audiology and Speech Pathology to permit licensed audiologists to dispense hearing aids based upon demonstrated training and experience, is or is not included in the motion for the BEASP.
- Assemblyman Daly confirmed the motion does not include Recommendation C under the BEASP.

- With regard to the Board of Examiners for Audiology and Speech Pathologists, the Subcommittee **APPROVED THE FOLLOWING ACTION:**

THE PREVIOUS MOTION BY VICE CHAIR SPEARMAN TO RECOMMEND CONSOLIDATION OF THE BOARD OF HEARING AID SPECIALISTS WITH THE BOARD OF EXAMINERS FOR AUDIOLOGY AND SPEECH PATHOLOGY WITH THE RECOMMENDATION THAT A REVIEW AND REVISION OF THE INCONSISTENCIES OF THE REGULATIONS TAKE PLACE AND SECONDED BY SENATOR PARKS PASSED UNANIMOUSLY.

15. State and Local Government Panel on Renewable and Efficient Energy (NRS 701.450)

The State and Local Government Panel on Renewable and Efficient Energy was added to the NRS in 2009. It is to consist of the Director of the Office of Energy, Office of the Governor, and seven members appointed by the Director, including representatives of various State agencies, the NACO, the Nevada League of Cities and Municipalities, and the Nevada Association of School Boards. The Director may appoint up to three additional members who represent public agencies and private industries. Its purpose is to advise on the retrofitting of public buildings.

Should the State and Local Government Panel on Renewable and Efficient Energy be terminated?

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:

- a. Does the Subcommittee want to recommend any changes concerning the State and Local Government Panel on Renewable and Efficient Energy?*
- b. Does the Subcommittee want to recommend any changes to the duties of the State and Local Government Panel on Renewable and Efficient Energy?*

The Subcommittee reviewed the Panel at its March 4, 2014 meeting. Although the Panel is considered inactive, the Deputy Director of the Office of Energy testified to the Subcommittee that the Office of Energy is considering ways to activate the Panel and use it in the future.

On May 15, 2014, Paul A. Thomsen, Director, Governor's Office of Energy, submitted a recommendation to terminate the Panel.

- Carol M. Stonefield, previously identified, provided a brief overview of the Panel and explained the Subcommittee can make a recommendation to terminate, modify, consolidate with another agency, or continue the Panel. She added that any recommendations made will be forwarded to the Legislative Commission for its consideration.

ASSEMBLYMAN DALY MOVED TO RECOMMEND TERMINATION OF THE STATE AND LOCAL GOVERNMENT PANEL ON RENEWABLE AND EFFICIENT ENERGY. THE MOTION WAS SECONDED BY ASSEMBLYWOMAN FIORE.

Prior to taking a vote, Vice Chair Spearman opined the Panel should stay in place for another year as research has shown, unless renewable energy is complimented with policy that deals with energy efficiency, renewable energy use will not increase.

- The Subcommittee **APPROVED THE FOLLOWING ACTION:**

THE PREVIOUS MOTION BY ASSEMBLYMAN DALY TO RECOMMEND TERMINATION OF THE STATE AND LOCAL GOVERNMENT PANEL AND RENEWABLE AND EFFICIENT ENERGY AND SECONDED BY ASSEMBLYWOMAN FIORE PASSED WITH VICE CHAIR SPEARMAN VOTING NAY.

16. Nevada Transportation Authority (NRS 706.511)

The Nevada Transportation Authority (NTA) has the duty to regulate certain carriers, operators of tow cars, and brokers of regulated services. Its responsibilities include processing applications, enforcing regulations, and ensuring compliance. The NTA regulates all taxicabs outside of Clark County.

The NTA shall enforce standards of safety for common and contract carriers subject to its authority; adopt regulations relating to fares, rates, and classifications; and review decisions of the Taxicab Authority on appeal. The NTA may make regulations to govern the administration of Chapter 706 of the NRS, adopt by reference any appropriate rule or regulation of the U.S. Department of Transportation, require reports and maintenance of records as necessary, examine records of motor carriers doing business in Nevada, and temporarily waive requirements in emergencies. The NTA shall adopt rules and regulations relating to the storage of household goods.

Should the Nevada Transportation Authority be terminated?

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

If the Subcommittee recommends that the Authority should continue:

- a. Does the Subcommittee want to recommend any changes concerning the Nevada Transportation Authority?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Nevada Transportation Authority?*

The Subcommittee reviewed the NTA at its meeting on April 8, 2014. The Chair of the Authority noted that the NTA has three operational areas: (1) applications; (2) enforcement; and (3) compliance. The Chair testified that the NTA has no statutory authority to assess any vehicle fees or licensing fees to certain intrastate operators, including charter bus operators and household goods movers. With regard to taxicabs, the Chair indicated the taxicab system operating in Clark County is quite different from that regulated by the NTA outside of Clark County; consolidation would require significant policy decisions.

The NTA had no recommendations for statutory changes.

- Carol M. Stonefield, previously identified, provided a brief overview of the NTA, and explained the Subcommittee can make a recommendation to terminate, modify, consolidate with another agency, or continue the NTA. She added that any recommendations made will be forwarded to the Legislative Commission for its consideration.
- Chair Bustamante Adams remarked she spoke with Andrew J. MacKay, Chair, NTA, DBI to address concerns regarding staff volunteering to perform inspections outside of regular hours.
- The Subcommittee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYWOMAN FIORE MOVED TO CONTINUE THE NEVADA TRANSPORTATION AUTHORITY. THE MOTION WAS SECONDED BY VICE CHAIR SPEARMAN AND PASSED UNANIMOUSLY.

RECOMMENDATIONS RELATING TO THE FUNCTIONS AND OPERATIONS OF THE SUNSET SUBCOMMITTEE OF THE LEGISLATIVE COMMISSION

- Chair Bustamante Adams called for any recommendations by the Subcommittee members.
- Senator Settelmeyer commended the Chair and recommended the Subcommittee continue to hear agencies within the same chapter of the NRS on the same meeting date, as was done this interim.

PUBLIC COMMENT

- Chair Bustamante Adams called for public comment; however, none was presented.

Chair Bustamante Adams thanked the members for their participation, attendance, and diligence in reviewing the agencies, and thanked the staff, as well. She commented the final report will be shared with the members prior to it being submitted to the Legislative Commission for consideration.

ADJOURNMENT

There being no further business to come before the Subcommittee, the meeting was adjourned at 11:16 a.m.

Respectfully submitted,

Natalie J. Pieretti
Senior Research Secretary

Carol M. Stonefield
Managing Principal Policy Analyst

APPROVED BY:

Assemblywoman Irene Bustamante Adams, Chair

Date: _____

LIST OF EXHIBITS

[Exhibit A](#) is the “Meeting Notice and Agenda,” provided by Carol M. Stonefield, Managing Principal Policy Analyst, Research Division, Legislative Counsel Bureau (LCB).

[Exhibit B](#) is the “Work Session Document,” prepared by Carol M. Stonefield, Managing Principal Policy Analyst, Research Division, LCB.

[Exhibit C](#) is an e-mail dated June 2, 2014, from Kara Jenkins, Administrator, Nevada Equal Rights Commission, Nevada Department of Employment, Training and Rehabilitation.

[Exhibit D](#) is an e-mail dated May 30, 2014, received from Jackie Bryant, Deputy Chief of Staff, Office of the Governor.

[Exhibit E](#) is an e-mail dated May 28, 2014, submitted by Charlie Donohue, Acting Administrator, Division of State Lands.

[Exhibit F](#) is a reference to *Nevada Revised Statute* 612.310, titled “Employment Security Council: Duties,” provided by Carol M. Stonefield, Managing Principal Policy Analyst, Research Division, LCB.

[Exhibit G](#) is a printout of NRS 637A.210, titled “Fees,” offered by Carol M. Stonefield, Managing Principal Policy Analyst, Research Division, LCB.

The following exhibits were submitted subsequent to the meeting:

[Exhibit H](#) is a letter dated June 3, 2014, from Kathleen Mennillo, MBA, Executive Director, International Hearing Society to Assemblywoman Irene Bustamante Adams, Chair, and Senator Pat Spearman, Vice Chair.

[Exhibit I](#) is a document titled “Example of Language for Consolidated Board Structure,” submitted on behalf of the Board of Examiners for Audiology and Speech Pathologists.

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.