



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

SUMMARY MINUTES AND ACTION REPORT

The second meeting of the Nevada Legislature's Sunset Subcommittee of the Legislative Commission was held on Monday, February 3, 2014, at 10 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 Pat Spearman, Vice Chair
Senator David R. Parks
Assemblywoman Michele Fiore

COMMITTEE MEMBERS PRESENT IN CARSON CITY:

Senator James A. Settelmeyer
Assemblyman Skip Daly

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Carol M. Stonefield, Managing Principal Policy Analyst, Research Division
Marji Paslov Thomas, Principal Research 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 called the second meeting of the Sunset Subcommittee of the Legislative Commission to order, welcomed members, and those viewing over the Internet. She requested that all persons in attendance sign in whether or not they were testifying, and directed the public to the Legislative website for information regarding signing up to receive committee agendas, minutes, and reports.

Chair Bustamante Adams reviewed the tasks of the Subcommittee, and stated that the inactive boards and commissions heard today will be taken up in a work session at a later meeting.

PUBLIC COMMENT

- Chair Bustamante Adams called for public comment; however, no testimony was presented.

APPROVAL OF MINUTES OF THE MEETING HELD ON JANUARY 13, 2014, IN LAS VEGAS, NEVADA

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

SENATOR PARKS MOVED TO APPROVE THE “SUMMARY MINUTES AND ACTION REPORT” OF THE JANUARY 13, 2014, MEETING HELD IN LAS VEGAS, NEVADA. THE MOTION WAS SECONDED BY ASSEMBLYWOMAN FIORE AND PASSED UNANIMOUSLY.

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

- Carol M. Stonefield, Managing Principal Policy Analyst, Research Division, Legislative Counsel Bureau (LCB) presented a brief overview of and the options available to the Subcommittee regarding the inactive boards.

(At the direction of Chair Bustamante Adams, the following six inactive boards were taken out-of-order.)

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

- Carol M. Stonefield, previously identified, provided a brief summary of the Advisory Board on Water Resources Planning and Development, including board members, board powers, chronology of changes to the Division/Section of Water Planning, legislative history, and available records and reports. She noted there is no Division of Water Resources Planning, and thus no one for the Board to advise. (Please see [Exhibit B.](#))
- Kelvin Hickenbottom, P.E., Deputy State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources in responding to Senator Settlemeyer, said funding has not occurred since 2000, and the Board and Chief of the Water Planning Section of the Division of Water Resources position should be eliminated.
- Assemblyman Daly asked who has assumed the duties of the Chief and what process is currently in place. Mr. Hickenbottom replied he oversees the Water Planning Section within the Division of Water Resources, which consists of one staff assistant, three engineers, a flood plain manager, and a flood plain coordinator. He reported the Water Planner reviews water conservation plans submitted by utilities and other water purveyors throughout the State, and also provides support for special studies.
- Senator Settlemeyer, in addressing Assemblyman Daly's concerns for farming, ranching, and wildlife, said conservation districts are instrumental in providing information, and that there is no issue with those communities contacting Mr. Hickenbottom or Jason King, P.E., State Engineer, directly. Mr. Hickenbottom added the State Engineer's office meets regularly with the mining industry on projects and is receptive to all stakeholder's needs. He further noted the State Engineer is not required to produce a statewide water conservation plan and the submission of a biennial report to the Legislature was eliminated.
- Assemblyman Daly wanted to ensure an avenue exists where water concerns are addressed, and Mr. Hickenbottom said the entities are still involved through the State Engineer's participation in Nevada's Drought Response Committee (DRC).
- Senator Spearman asked if there were any mechanisms in place that would coordinate all activities for future issues. Mr. Hickenbottom responded the only function with coordinating all the entities is through the DRC, which includes the Department of Emergency Management, the Division of Water Resources, and the State Climatologist. Discussion continued between Senator Spearman and Mr. Hickenbottom relating to a contingency plan.
- Chair Bustamante Adams noted that recommendations can be made to the boards and commissions if the Subcommittee feels an issue needs to be addressed.

Rural Advisory Board to Expedite Proceedings for the Placement of Children (NRS 432B.602)

- Carol M. Stonefield, previously identified, provided a brief summary of the Rural Advisory Board, including its appointing authority, board members, board powers, legislative history, and available records and reports. (Please see [Exhibit C.](#))
- Amber Joiner, Deputy Director, Department of Health and Human Services (DHHS), reported due to duplication of activities undertaken by other committees with the court process, the Rural Advisory Board need not be continued.
- Assemblyman Daly asked how much of a demand there was for placement within a 12-month period. Ms. Joiner replied when DHHS reached out to the rural communities, no one ever recalled this Advisory Board meeting. She noted there are other committees that would cover any issues.
- Senator Spearman directed a series of questions to DHHS, including: (1) is there no meeting because there is no need to meet; or is there no need to meet because they are not meeting; (2) what might the populations be if there was a concerted effort for those committees to meet; and (3) if children are in foster care and they have been deemed to have some sort of emotional challenge or they are recovering from some type of abuse, what is the procedure for placement for hospitalization or for out-patient treatment? Ms. Joiner, in response to the question regarding children in foster care, volunteered to provide the Subcommittee with the information before it makes a decision. In replying to the question of why the Advisory Board is not meeting, she answered current court committees handle the very same topics and, therefore, the Board has no need to meet.

In responding to Senator Spearman's question of how the Legislature will get access to information to agenda items and disposition of cases, Ms. Joiner stated she would be happy to provide information about the community improvement councils that are in the rural communities.

- Chair Bustamante Adams asked how the public has access to and participation through these improvement councils, and whether or not the local advisory boards created by the district court exist. Ms. Joiner said she does not have information about the local advisory board meetings.
- Senator Spearman voiced concerns about different agencies, committees, and boards operating independently of each other, but in conformity with the NRS, and whether there is a way to share information confidentially.
- Assemblywoman Fiore inquired whether same sex families are able to be foster parents. Ms. Joiner stated she remembered the discussion but does not recall the outcome, and offered to provide information to the Subcommittee.

Advisory Committee for the Prevention and Treatment of Stroke and Heart Disease (NRS 439.492)

- Carol M. Stonefield, previously identified, provided a brief summary of the Advisory Committee for the Prevention and Treatment of Stroke and Heart Disease, including appointing authorities, board members, board powers, and operations. She reported through documentation received from DHHS, that the Advisory Council on the State Program for Wellness and the Prevention of Chronic Disease (CWCD) covers the goals and mission of stroke and heart disease. (Please see [Exhibit D.](#))
- Christine N. Mackie, Chief, Bureau of Child, Family, and Community Wellness, Nevada Division of Public and Behavioral Health Services, DHHS, recommended sunseting the Advisory Committee as DHHS believes the requirements and roles of the Advisory Committee can be rolled into the CWCD.

Assemblyman Daly asked if the Subcommittee repealed the Advisory Committee and transferred it to the CWCD, which is presently reviewing these issues, would legislation or a recommendation be required for the CWCD to continue reviewing the topic of stroke and heart disease. Ms. Mackie replied that currently within the CWCD an item specific to heart and stroke can be agendized, and reporting made on current program activities within the DHHS's chronic disease and wellness programs, which are attempting to meet the goals and activities required by the CWCD. Assemblyman Daly recommended that, since stroke and heart disease affects a large segment of the population, the CWCD has it as part of its required review.

- Senator Spearman voiced concerns for and recommended a concerted outreach to at-risk individuals, such as Latinos and people of African descent. Answering, Ms. Mackie informed the Subcommittee a community health worker program has been in existence for a year with the primary focus on the Latino communities, with the next goal toward the African American communities. Discussion continued between Senator Spearman and Ms. Mackie relating to budget challenges, and expansion for incorporating the provisions of the Affordable Healthcare Act of 2010 (ACA) for the education of prevention.
- Chair Bustamante Adams remarked, if the Subcommittee decides to incorporate the Advisory Committee into the CWCD, it may also include those recommendations stated by Assemblyman Daly and Senator Spearman.

Advisory Committee on the Arthritis Prevention and Control Program (NRS 439.503)

- Carol M. Stonefield, previously identified, provided a brief summary of the Advisory Committee on the Arthritis Prevention and Control Program, including appointing authorities, background, the review form, and Ms. Mackie's email recommending sunseting. (Please see [Exhibit E.](#))

Responding to Senator Spearman's inquiry of how much of the recommendation for sunseting this Advisory Board is based upon fiscal adjudication and whether it can be rolled into another committee, Ms. Mackie replied the recommendations for sunseting the various committees is due to lack of funding, and to maintain some semblance of efficiency. She reported the DHHS rolled other activities into existing advisory councils that could be of assistance. Senator Spearman noted that, if these committees were fiscally funded, there would be no need to roll them into other committees, and Ms. Mackie agreed.

- Ms. Stonefield clarified the origins of CWCD in Senate Bill 197 (Chapter 82, *Statutes of Nevada 2005*), created the Advisory Council on State Program for Fitness and Wellness. In Assembly Bill 158 (Chapter 128, *Statutes of Nevada 2013*), the name was amended to the current CWCD.

Nevada Academy of Health (NRS 439B.250)

- Carol M. Stonefield, previously identified, provided a brief summarization of the Nevada Academy of Health, including appointing authorities, board members, meeting dates, agendas, and minutes, the review form, and records. (Please see [Exhibit F.](#))
- Assemblyman Daly commented the Academy was never intended to be permanent which is demonstrated by its current status.

Discussion was held between Senator Spearman and Ms. Stonefield, who noted the Academy met in 2008 and 2009 and has not met since, even though the expiration date was repealed.

- Senator Spearman voiced concerns that Nevada ranks 43rd in nursing care and other long-term health care facilities.
- Chair Bustamante Adams asked if another entity exists to address health care through the workforce sectors and clinical specialty. In response, Ms. Joiner said the main purpose of the Academy was related to the health care workforce. She noted the Health Care and Medical Services Sector Council, as well as the Governor's Workforce Investment Board, are diligently working with the top experts on those issues, and it would be duplicative for the Academy to continue working on these issues. Ms. Joiner suggested looking at the ACA in the next Legislative Session to decide what type of entity should be giving recommendations to the Legislature.
- Senator Spearman opined it is prudent to identify explicitly the areas of health care that place Nevada at the bottom, and remarked the State cannot afford to stay there, as it is costing residents their lives and/or quality of life. She stated it is incumbent upon any Subcommittee recommendations to note funding needs to be found to address these issues.

- Chair Bustamante Adams inquired with whom the Subcommittee would address recommendations. Ms. Joiner responded there is not a specific group to address the issues, and commented that in addition to funding, the larger concern for DHHS is finding qualified members to serve on the various advisory committee and task forces. She encouraged consolidation of committees.

Advisory Committee Concerning Sickle Cell Anemia (NRS 442.118)

- Carol M. Stonefield, previously identified, provided a brief summarization of the Advisory Committee Concerning Sickle Cell Anemia, including appointing authorities, background, the review form, and an email by Ms. Mackie recommending sunseting, and rolling into the CWCD. (Please see [Exhibit G.](#))
- Ms. Mackie clarified the recommendation is to sunset the Advisory Committee and roll it into the Newborn Screening Advisory Committee.

Nevada Commission for Women (NRS 233I.020)

- Carol M. Stonefield, previously identified, provided a brief summarization of the Nevada Commission for Women, including appointing authorities, powers and duties, operations, background, members, reports, and records. She noted this Commission does not fall into any particular State department or agency, and, therefore, no individual is available to discuss the Commission with the Subcommittee. (Please see [Exhibit H.](#))
- Chair Bustamante Adams asked if the Governor's office would be the contacting agency should the public feel the Commission not be sunsetted. Ms. Stonefield remarked the Governor is the appointing authority of the statutory Commission, and those individuals who are interested in seeing the Commission revised might send comments to the Subcommittee Chair or staff for inclusion into the record. She asked legal staff for their opinion on whether the Governor, being the appointing authority, has the ultimate decision over the Commission.
- Senator Spearman suggested the Subcommittee be provided census information covering: (1) the number of women in the State; (2) those that are heads of household; (3) income versus male counterparts and identify whether economic mobility is or is not a viable option; and (4) average age of the children of the women.

Responding to a question by Chair Bustamante Adams, Ms. Stonefield replied the Nevada Commission for Women and the Nevada Commission on the Status of Women are separate commissions, with the Nevada Commission for Women being the only statutory commission.

- Chair Bustamante Adams inquired of Mr. Penrose, who agreed that a recommendation can be made to the Governor's office, if the Subcommittee finds the recognition of the socioeconomic factors do influence the State and the impacted group of individuals.
- Senator Parks brought to the Subcommittee's attention Senate Bill 405 (Chapter 337, *Statutes of Nevada* 2013), which deleted reporting requirements for various boards and agencies.

In response to Chair Bustamante Adams, Ms. Stonefield answered that she does not recall the existence of any board or commission specifically directed toward the condition or socioeconomic status of women.

Collection Agency Advisory Board (NRS 649.047)

- Carol M. Stonefield, previously identified, provided a brief summarization of the Collection Agency Advisory Board, including appointing authorities, powers and duties, background, records, an email from the Governor's Office, and an email from the George E. Burns, Commissioner of Financial Institutions. She noted that the Governor's boards and commissions manager advised that this Advisory Board is considered inactive. Ms. Stonefield further stated that Mr. Burns has said his office has no authority over the Advisory Board, and he has no objection sunsetting the Advisory Board. (Please see [Exhibit I.](#))

Responding to Assemblywoman Fiore's question regarding who will assist consumers if the board is sunsetted, Ms. Stonefield said the role of the Advisory Board is more on a policy level to provide advice to the Legislature. Addressing the issue, Mr. Penrose noted it was his understanding that the Commissioner of Financial Institutions does some regulatory oversight over the operations of collection agencies. He continued there would be potentially relevant provisions of the Fair Debt Collection Practices Act of 1977, but is not sure which agency conducts enforcement, as they are provisions of federal law.

Discussion was held between Subcommittee members and staff over concerns regarding an oversight agency at the State level.

- In summary, Ms. Stonefield restated the available options to the Subcommittee at the work session for decision on the inactive boards.
- Chair Bustamante Adams said she will work with staff in obtaining the information for the Subcommittee's recommendations.

UPDATE ON THE SUNSET SUBCOMMITTEE'S RECOMMENDATIONS FOR CERTAIN BOARDS AND COMMISSIONS MADE DURING THE 2011-2012 INTERIM, PURSUANT TO NRS 232B.250

- Marji Paslov Thomas, Principal Research Analyst, Research Division, LCB, provided a brief summary of the recommendations for certain boards and commissions as follows:

Commission on Ethics

- Ms. Paslov Thomas reported on the duties of the Commission on Ethics and the Subcommittee's recommendations, which included consultation with the Governor's Office or an individual legislator for the submittal of a bill draft request for policy changes. She pointed to Senate Bill 228 (Chapter 551, *Statutes of Nevada 2013*) which included the recommendations. (Please see [Exhibit J.](#))

Committee on Anatomical Dissection

- Ms. Paslov Thomas reviewed the duties of the Committee on Anatomical Dissection and the Subcommittee's proposed recommendations. She noted a letter received from Chancellor Dan Klaich from the Nevada System of Higher Education said that the Committee has jurisdiction only over unclaimed bodies for medical education and research, and suggested the Legislature may wish to consider consulting with organizations operating under NRS 451.500. (Please see [Exhibit K.](#))

Well Drillers' Advisory Board

- Ms. Paslov Thomas informed the Subcommittee that the purpose of the Well Drillers' Advisory Board is to determine the qualifications of an applicant and submit its findings to the State Engineer, and whether a licensed well driller is in compliance with laws and regulations. She reported that the Subcommittee recommended the State Engineer, Advisory Board, and State Contractors' Board meet to eliminate any duplicative services. As a result of that meeting, Ms. Paslov Thomas told the Subcommittee it was concluded that the current system of regulation strikes the proper regulatory balance. (Please see [Exhibit L.](#))

State Grazing Boards

- Ms. Paslov Thomas summarized the duties of the State Grazing Boards, noting the recommendation of the Subcommittee was to urge session committees to investigate the combining of districts and any advantages gained by future changes to the Boards. She reported no record exists that such discussions or investigations took place. (Please see [Exhibit M.](#))

Credit Union Advisory Council

- Ms. Paslov Thomas said during the presentation, the Director of the Department of Business and Industry expressed concern that regulated industries should not directly or indirectly supervise their regulator, such as the Division of Financial Institutions (DFI). She stated the resulting recommendation by the Subcommittee included statutory changes concerning the relationship of the Credit Union Advisory Council with the DFI, and retaining the meeting schedule and members' salaries. Ms. Paslov Thomas directed the Subcommittee's attention to Assembly Bill 492 (Chapter 21, *Statutes of Nevada 2013*), which revises the authority of the Council by eliminating the supervisory powers so that it functions in an advisory capacity only. (Please see [Exhibit N.](#))

State Board of Oriental Medicine

- Ms. Paslov Thomas informed the Subcommittee the State Board of Oriental Medicine protects the public from unqualified individuals and any individuals from practicing Oriental Medicine without proper licensure. She noted that upon the recommendation, the Governor appointed a public member to the Board, and the member has been in service for a year. (Please see [Exhibit O.](#))
- Senator Spearman suggested looking at a name change. Chair Bustamante Adams said an inquiry of the labeling will be made with Board president, Dr. Farolyn McSweeney.

PUBLIC COMMENT

- Chair Bustamante Adams called for public comment; however, no testimony was presented.
- Ms. Stonefield addressed housekeeping issues related to the uploading of exhibits on the Legislative website, as well as the Subcommittee binders. She concluded by updating the Subcommittee with possible agenda items for the next meeting, including the inactive boards and commissions. Chair Bustamante Adams added the boards and commissions have been notified and grouped together to determine any duplication of services.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 12:10 p.m.

Respectfully submitted,

Natalie J. Pieretti
Senior Research Secretary

Carol M. Stonefield
Managing Principal Policy Analyst

APPROVED BY:

Assemblyman 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), Carson City.

[Exhibit B](#) is a packet of information for the “Advisory Board on Water Resources Planning and Development,” provided by Carol M. Stonefield, Managing Principal Policy Analyst, Research Division, LCB.

[Exhibit C](#) relates to material received on behalf of the “Rural Advisory Board to Expedite Proceedings for the Placement of Children,” presented by Carol M. Stonefield, Managing Principal Policy Analyst, Research Division, LCB.

[Exhibit D](#) contains documents submitted on behalf of the “Advisory Committee for the Prevention of Treatment of Stroke and Heart Disease,” introduced by Carol M. Stonefield, Managing Principal Policy Analyst, Research Division, LCB.

[Exhibit E](#) is a packet of information titled “Advisory Committee on the Arthritis Prevention and Control Program,” given by Carol M. Stonefield, Managing Principal Policy Analyst, Research Division, LCB.

[Exhibit F](#) are documents for the “Nevada Academy of Health,” provided by Carol M. Stonefield, Managing Principal Policy Analyst, Research Division, LCB.

[Exhibit G](#) contains information on behalf of the “Advisory Committee Concerning Sickle Cell Anemia,” and was submitted by Carol M. Stonefield, Managing Principal Policy Analyst, Research Division, LCB.

[Exhibit H](#) are materials furnished for the “Nevada Commission for Women,” presented by Carol M. Stonefield, Managing Principal Policy Analyst, Research Division, LCB.

[Exhibit I](#) is a packet of information titled “Collection Agency Advisory Board,” given by Carol M. Stonefield, Managing Principal Policy Analyst, Research Division, LCB.

[Exhibit J](#) are documents relating to the Commission on Ethics provided by Marji Paslov Thomas, Principal Research Analyst, Research Division, LCB.

[Exhibit K](#) are documents concerning the Committee on Anatomical Dissection presented by Marji Paslov Thomas, Principal Research Analyst, Research Division, LCB.

[Exhibit L](#) is a letter dated September 6, 2012, from Assemblywoman Irene Bustamante Adams to Thomas K. Gallagher, Professional Engineer, Well Drillers’ Advisory Board, submitted by Marji Paslov Thomas, Principal Research Analyst, Research Division, LCB.

[Exhibit M](#) is a letter dated August 31, 2012, to Senator Mark A. Manendo and Assemblywoman Maggie Carlton from Assemblywoman Irene Bustamante Adams concerning the State Grazing Boards, provided by Marji Paslov Thomas, Principal Research Analyst, Research Division, LCB.

[Exhibit N](#) is a packet of documents referencing the Credit Union Advisory Council presented by Marji Paslov Thomas, Principal Research Analyst, Research Division, LCB.

[Exhibit O](#) represents information submitted for the State Board of Oriental Medicine by Marji Paslov Thomas, Principal Research Analyst, Research Division, LCB.

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.