



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

SUMMARY MINUTES AND ACTION REPORT

The fifth meeting and work session of the Nevada Legislature's Sunset Subcommittee of the Legislative Commission was held on June 5, 2012, at 9:30 a.m. in Room 4412 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, and Room 124, Greenhaw Technical Arts Building, Great Basin College, 1500 College Parkway, Elko, Nevada. A copy of this set of "Summary Minutes and Action Report," including the "Meeting Notice and Agenda" ([Exhibit A](#)) and other substantive exhibits, are available on the Nevada Legislature's website at <http://www.leg.state.nv.us/interim/76th2011/committee/>. In addition, copies of the audio record may be purchased 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 Ruben J. Kihuen, Vice Chair
Senator John J. Lee
Assemblywoman Maggie Carlton
Assemblyman Richard McArthur
David Goldwater

COMMITTEE MEMBERS PRESENT IN CARSON CITY:

Senator James A. Settelmeyer
Frank Partlow

COMMITTEE MEMBER ABSENT:

Barbara Smith Campbell

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Marjorie Paslov Thomas, Principal Research Analyst, Research Division
Scott Young, Managing Principal Policy Analyst, Research Division
Sara L. Partida, Principal Deputy Legislative Counsel, Legal Division
Rick Combs, Fiscal Analyst, Fiscal Analysis Division
Janet Coons, Senior Research Secretary, Research Division

OPENING REMARKS

- Chair Bustamante Adams called the meeting to order, had the secretary call the roll, and welcomed members, presenters, and the public to the fifth meeting and work session of the Sunset Subcommittee of the Legislative Commission.

PUBLIC COMMENT

- Chair Bustamante Adams thanked the public for all the written comments the Subcommittee received concerning the Board of Wildlife Commissioners (Commission). (Please see [Exhibit B](#) and [Exhibit B-1](#).)
- Peter Shepherd, resident of Nevada, retired wildlife biologist from Alaska, lifetime trapper, and board member of the Nevada Trappers Association, recommended the composition of the Commission continue with at least five members or more who are sportsmen, ranchers, or consumptive users.
- Ken Wellington, resident of Spring Creek, Nevada, and Chair for the Elko County Advisory Board (CAB) to Manage Wildlife (Elko County Wildlife Advisory Board), supported retaining the current structure of the Commission.
- Randall Stoeberl, resident of Spring Creek, Nevada, geologist, hunter, trapper, and fisherman, recommended that sportsmen stay on the Commission.
- Brian Goss, resident of Elko, Nevada, supported keeping the current structure of the Commission.
- Richard Sandoz, resident of Spring Creek, Nevada, supported the current makeup of the Commission.
- Jason A. James, resident of Elko, Nevada, recommended keeping the Commission the same.
- Kim Rhodemyre, Nevada resident, recommended reconfiguration of the Commission, or if this is not feasible, termination of the Board. (Please see [Exhibit C](#).)
- Jeremy Drew, Commissioner, Board of Wildlife Commissioners, Nevada's Department of Wildlife (NDOW), testified on his own behalf. He stated that as a member of the Commission, his job is to make the best decisions for Nevada wildlife based on science provided by NDOW, counties and the public. (Please see [Exhibit D](#).)
- Gil Yanuck, resident of Carson City, President and Chief Executive Officer (CEO) of Friends of Nevada Wildlife, a nonprofit corporation, testified that the current structure of the Commission works well and should not be changed. He stated the conservation process followed by the Commission is a highly regarded model of wildlife conservation. (Please see [Exhibit E](#) and [Exhibit E-1](#).)

- Kevin CK Baily, Conservation Chair, Carson City Host Lions Club, and volunteer for NDOW, recommended keeping the current structure of the Commission. (Please see [Exhibit F.](#))
- Elaine Carrick, resident of Reno, voiced her support for reconfiguration of the Board. She stated that nonhunters have no representation on the Commission. (Please see [Exhibit G.](#))
- Tina Nappe, former Board representative from 1979-1994, stated that even though the fees from hunting, fishing, and trapping support the Commission, there may be a need for more ways to work with other groups. She noted that many species have expanded because of the investment sportsmen have made. Ms. Nappe urged the Subcommittee to be cautious if it recommends any changes to the configuration of the Commission. (Please see [Exhibit H.](#))
- Chris Schwamberger, member of NoBearHuntNV.org, stated that members of the public and NoBearHuntNV.org have no representation or decision making authority on the Commission and want the lack of representation addressed by the Nevada Legislature. (Please see [Exhibit I.](#))
- Jim Puryear, native Nevadan and consumptive user, representing himself and the Nevada Outfitters and Guides Association, supported keeping the current structure of the Commission.
- Johanna Emm, Native American, speaking on her own behalf, supported reconfiguration of the Commission. She asked the Subcommittee to either restructure the entire Commission or add a State liaison to educate and inform American Indian tribes. (Please see [Exhibit J.](#))
- Chris McKenzie, former member of the Board of Wildlife Commissioners from 2001 through 2007, noted his concerns with the lack of education regarding the full function of the Commission.
- Carolyn Stark testified in favor of changing the composition of the Commission to democratically represent all Nevadans.
- Trish Swain testified about the importance of including animal activists and conservationists as representatives on the Commission and the CABs to Manage Wildlife. (Please see [Exhibit K.](#))

- Bob Brunner stated managing wildlife is the first charge of NDOW and supported the current structure of the Commission. (Please see [Exhibit L.](#))
- Judi Caron, resident of Reno, and past member of the Washoe CAB to Manage Wildlife, did not support any change to the Commission.
- Joel Blakeslee, President, Nevada Trappers Association, board member, Coalition for Nevada's Wildlife, and former member of the Washoe CAB to Manage Wildlife testified in favor of keeping the Commission as it currently operates.
- Fred Voltz, resident of Carson City, testified that the members of the Commission need to be reappointed with decision makers focused on conservation. (Please see [Exhibit M.](#))
- Larry Johnson, member, Coalition for Nevada's Wildlife, Director, Nevada Bighorns Unlimited, testified against any changes to the Commission.
- Pamela Gartin, resident of Incline Village, asked the Subcommittee to consider the social, political and financial benefits that could be derived from a more diverse Commission. She recommended that one member of the public be appointed to the Commission. (Please see [Exhibit N.](#))
- Kelly Dean, representative, Nevada Bow Hunters Association, and hunting education instructor stated the Commission works and should be given credit for its tolerance.
- Mike Smith, resident of Reno, is of the opinion that the current Commission is flawed and reconfiguration would provide an opportunity to deal with important issues. (Please see [Exhibit O.](#))
- Gerald Lent, past Chair of the Commission, is of the opinion that NDOW has no built-in accountability and should be put under the direction of the State Department of Conservation and Natural Resources. He opposed reconstructing the Commission with only a few public members. (Please see [Exhibit P](#) and [Exhibit P-1.](#))
- Patrick Cates, Deputy Director, Administrative Services, NDOW, pointed out that 79 percent of the operating budget for Fiscal Year 2012 is contributed by sportsmen, 11 percent comes from fishermen and recreational boaters, and the remaining 10 percent is a combination of State and Federal sources.
- John Michael Reese, member, Clark CAB to Manage Wildlife, testified as a member of the public. He agreed with the testimony of Mr. Drew, Ms. Caron and Mr. Cates.
- Mike McBeath, Chair, Board of Wildlife Commissioners, NDOW, testified on his own behalf. He asked the Subcommittee to focus on the Commission as it currently stands. Mr. McBeath pointed out that Governor Sandoval's new appointees in July 2011 have taken substantial steps to engage the public in the issue of trapping.

- John Sullivan, member, Clark CAB to Manage Wildlife, and Vice President, Nevada Trappers Association, supported the current structure of the Commission. (Please see [Exhibit Q.](#))
- Wayne Bliss, private citizen, Las Vegas, testified he is not in favor of changing the structure of the Commission. He recognized the efforts of the Commission to increase the bison and antelope population.
- Jelindo Tiberti, native Nevadan, stated that wildlife would be harmed if the structure of the Commission was changed.
- Dr. Karen Layne, President, Las Vegas Valley Humane Society, opined the system is broken and asked the Subcommittee to fix it. (Please see [Exhibit R.](#))
- John Cahill, private citizen, testified in support of keeping the current composition of the Commission. He opined hunting and fishing is an irreplaceable part of the State's rural economy. (Please see [Exhibit S](#) and [Exhibit S-1.](#))
- Victoria Werner, Henderson, Nevada, testified that the current management of the Commission is good despite some flaws that need to be fixed.
- James Werner, Henderson, Nevada, read a letter written by his father, Ryan G. Werner, which supported the current structure of the Commission. (Please see [Exhibit T.](#))
- Kensen Lee, former member of the Clark CAB to Manage Wildlife from 1997-2003, representing himself, requested the Subcommittee leave the Commission the way it is currently structured.
- Beverlee McGrath representing the Nevada Humane Society; the Society for the Prevention of Cruelty to Animals (SPCA) of Northern Nevada; Lake Tahoe Humane Society and S.P.C.A.; Nevada SPCA; Nevada Political Action for Animals; Compassion for Animals Charity; PawPAC; Animal Switchboard; Action for Animals; Pet Network of North Lake Tahoe; and the Lake Tahoe Wolf Rescue, stated that wildlife belongs to the people of Nevada. She supports reconfiguration of the Board to reflect Nevada's current population. (Please see [Exhibit U](#) and [Exhibit U-1.](#))
- Tom Patton, Mt. Charleston, Nevada, member, NDOW's Trapping Regulation Committee representing southern Nevada, testified in favor of keeping the current structure of the Commission.
- Stacia Newman, President, Nevada Political Action for Animals, is of the opinion that public comments and concerns are being ignored at Commission meetings. She urged the Subcommittee to recommend reconfiguration of the Commission to include consumptive and nonconsumptive members for fair representation of all Nevadans.

- Robert Gaudet, President, Nevada Wildlife Federation, an affiliation of the National Wildlife Federation, opined that NDOW, the Commission, and the CABs should remain the same. (Please see [Exhibit V.](#))
- Tracy Truman, native of Clark County, Nevada, testified about the Commission's sound wildlife management model.
- Paul Harris, 22-year resident of Nevada, President, Fraternity of the Desert Bighorn in Las Vegas, supported keeping the current structure of the Commission. (Please see [Exhibit W.](#))
- Gina Greisen, President, Nevada Voters for Animals, requested fair and equal representation for all Nevadans. She urged the Subcommittee to recommend reconfiguration of the Commission.
- Chair Bustamante Adams asked staff to verify the law regarding Commission membership.

APPROVAL OF MINUTES OF THE MEETING HELD ON APRIL 27, 2012, IN LAS VEGAS, NEVADA

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

ASSEMBLYWOMAN CARLTON MOVED TO APPROVE THE MINUTES OF THE APRIL 27, 2012, MEETING HELD IN LAS VEGAS, NEVADA. THE MOTION WAS SECONDED BY SENATOR KIHUEN AND PASSED.

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

- *Board of Wildlife Commissioners (NRS 501.167)*
- *Gaming Policy Committee (NRS 463.021)*
- *Police and Firefighters' Retirement Fund Advisory Committee (NRS 286.227)*
- *Committee on Health Benefit Plans (NRS 689C.960)*
- *Board for the Regulation of Liquefied Petroleum Gas (NRS 590.485)*
- *State Barbers' Health and Sanitation Board (NRS 643.020)*
- *State Board of Cosmetology (NRS 644.030)*

“WORK SESSION DOCUMENT”

The following “Work Session Document” ([Exhibit X](#)) 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 if they should be adopted, changed, rejected, or further considered. They are not preferentially ordered.

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

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

<p style="text-align: center;">RECOMMENDATIONS RELATING TO TERMINATING, CONTINUING, MODIFYING, OR CONSOLIDATING BOARDS AND COMMISSIONS</p>

1. **Board of Wildlife Commissioners** (NRS 501.167)—The Commission is a separate entity from Nevada’s Department of Wildlife. The Commission is responsible for establishing policy regarding wildlife, adopting regulations, and receiving input on wildlife and boating issues from the public and entities such as the 17 county advisory boards to manage wildlife. The Commission also guides NDOW in carrying out the policies and regulations of the Commission. The county advisory boards solicit and evaluate local opinion and advise the Commission on matters relating to the management of wildlife within their respective counties.

Should the Board of Wildlife Commissioners 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 Board of Wildlife Commissioners?*
- b. *Does the Subcommittee want to recommend any changes to the duties of the Board of Wildlife Commissioners?*

- Marjorie Paslov Thomas, Principal Research Analyst, Research Division, LCB, explained the Subcommittee can make a recommendation to terminate, modify or consolidate with another agency, or continue the Board of Wildlife Commissioners. She added that any recommendations made will be forwarded to the Legislative Commission for its consideration.
- MR. PARTLOW MOVED TO CONTINUE THE BOARD OF WILDLIFE COMMISSIONERS AND RECOMMENDED THE COMMISSION BE COMPRISED OF NONCONSUMPTIVE AND CONSUMPTIVE USERS OF WILDLIFE; ALL MEMBERS BE RESTRICTED TO A TWO-YEAR TERM; AND THE PRESERVATION, PROTECTION AND RESTORATION OF WILDLIFE BE CONSIDERED PART OF THE MISSION STATEMENT.
- Mr. Goldwater asked for the motion to be rephrased into individual motions.
- MR. PARTLOW MOVED TO CONTINUE THE BOARD OF WILDLIFE COMMISSIONERS. THE MOTION WAS SECONDED BY SENATOR SETTELMAYER.

Prior to the vote, a discussion ensued between Assemblywoman Carlton and Mr. Goldwater regarding the motion. Assemblywoman Carlton stressed serious concerns about the way the Commission conducts its business. Mr. Goldwater stated he would support the motion because wildlife and public lands need some sort of governance, but affirmed the composition of the Commission is a different issue.

- Chair Bustamante Adams expressed her appreciation for the testimony provided and encouraged the diverse groups to seek out an individual legislator or committee chair to submit a bill draft request (BDR).
- The Subcommittee **APPROVED THE FOLLOWING ACTION:**

THE MOTION AS STATED BY MR. PARTLOW AND SECONDED BY SENATOR SETTELMAYER PASSED.

- Sara L. Partida, Principal Deputy Legislative Counsel, Legal Division, LCB, explained that according to NRS 501.171 the Governor is required to appoint to the Commission one member who is actively engaged in and possesses experience and expertise in advocating issues relating to conservation; one member who is actively engaged in farming; one member who is actively engaged in ranching; one member who represents the interests of the general public; and five members who during at least three of the four years immediately preceding their appointment held a resident license to fish or hunt, or both, in Nevada.
- Mr. Goldwater pointed out it was incorrect that no conservation advocate is appointed to the Commission.
- MR. PARTLOW MOVED TO RECOMMEND THE BOARD OF WILDLIFE COMMISSIONERS BE COMPRISED OF NONCONSUMPTIVE AND CONSUMPTIVE USERS OF WILDLIFE.

A discussion followed between Assemblywoman Carlton and Mr. Partlow. Assemblywoman Carlton suggested the Subcommittee recommend the Legislative Commission seek out a legislator willing to address the composition of the Commission. Mr. Partlow called attention to the language of the statute which states the recommendation must include suggestions for appropriate legislative action. Assemblywoman Carlton questioned the meaning of legislative action and to whom the recommendation should be addressed, expressing her concerns with the motion.

- Chair Bustamante Adams asked legal staff for clarification.
- Ms. Partida, stated that if the Subcommittee decides to recommend some type of change to a particular board, that recommendation goes to the Legislative Commission as part of the Subcommittee's final report. The Legislative Commission would make a final determination as to whether or not a BDR would be appropriate.

- Chair Bustamante Adams asked Mr. Partlow to restate his motion.
- MR. PARTLOW MOVED TO RECOMMEND THAT THE BOARD OF WILDLIFE COMMISSIONERS SEEK MORE DIVERSITY IN THE MAKEUP OF THE COMMISSION. SENATOR SETTELMAYER SECONDED THE MOTION.

Prior to the vote, general discussion was held among members regarding the motion. Assemblyman McArthur suggested the word “diversity” was too general of a term, and therefore, would not support the motion. Mr. Goldwater stated he would also oppose the motion, commenting that any recommendation concerning the composition of the Commission is contrary to the charge of the Subcommittee. Chair Bustamante Adams stated she also will not support the motion since the Subcommittee does not make recommendations concerning policy. Senator Settelmeyer stated the Subcommittee is not creating policy; it is making recommendations and advisements to the Legislative Commission to examine areas of concern.

- Chair Bustamante Adams asked Mr. Partlow to revise his motion based on Senator Settelmeyer’s comments.
- The Subcommittee **APPROVED THE FOLLOWING ACTION:**

MR. PARTLOW MOVED TO RECOMMEND THE LEGISLATIVE COMMISSION REVIEW THE STRUCTURE OF THE BOARD OF WILDLIFE COMMISSIONERS DURING THE 2013 LEGISLATIVE SESSION. SENATOR SETTELMAYER SECONDED THE MOTION. THE MOTION PASSED. ASSEMBLYMAN MCARTHUR AND MR. GOLDWATER VOTED NO.

- MR. PARTLOW ALSO MOVED THAT THE MEMBERS OF THE BOARD OF WILDLIFE COMMISSIONERS BE RESTRICTED TO A TWO-YEAR TERM.
- Chair Bustamante Adams suggested the issue be considered during the 2013 Legislative Session.
- Mr. Goldwater questioned what will be done to address the issues in order to help the State run more efficiently.
- Chair Bustamante Adams noted these concerns will be addressed in the Subcommittee’s final report.

2. **Gaming Policy Committee** (NRS 463.021)—The purpose of the Committee is to discuss gaming policy. Any recommendations made by the Committee are advisory and not binding on the State Gaming Control Board or the Nevada Gaming Commission in the performance of their duties and functions.

Should the Gaming Policy Committee 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 determines that the Committee should continue:

- a. Does the Subcommittee want to recommend any changes concerning the Gaming Policy Committee?*
- b. Does the Subcommittee want to recommend any changes concerning the duties of the Gaming Policy Committee?*

Members stated during the work session held during the March 27, 2012, meeting that the Gaming Policy Committee was scheduled to hold a meeting on March 28, 2012. Members requested an update of the Committee's meeting prior to taking action. Summaries of the March and May meetings of the Committee were provided by the Gaming Policy Committee. (Please see Tab A of [Exhibit X](#).)

(As background, at the February 27, 2012, meeting, members of the Subcommittee stated that if they recommend terminating the Gaming Policy Committee, the duties of the Review Panel of the Committee must be assigned to another entity or the existing statutes must be modified. Under the provisions of NRS 463.021(6) and NRS 463.3088, the Review Panel of the Committee has specific duties relating to gaming enterprise districts.)

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

SENATOR KIHUEN MOVED TO CONTINUE THE GAMING POLICY COMMITTEE. THE MOTION WAS SECONDED BY MR. GOLDWATER AND PASSED.

3. **Police and Firefighters' Retirement Fund Advisory Committee** (NRS 286.227)—The Committee must make recommendations to the Public Employees' Retirement Board concerning the administration of and benefits payable to the Police and Firefighters' Retirement Fund, a fund within the Public Employees' Retirement System (PERS).

Should the Police and Firefighters' Retirement Fund Advisory Committee 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 determines that the Committee should continue:

- a. Does the Subcommittee want to recommend any changes concerning the Police and Firefighters' Retirement Fund Advisory Committee?*
- b. Does the Subcommittee want to recommend any changes concerning the duties of the Police and Firefighters' Retirement Fund Advisory Committee?*

At the April 27, 2012, meeting, representatives of PERS explained that the Police and Firefighters' Retirement Fund was established to pay retirement benefits for police officers and firefighters. Public employees in police officer and firefighter positions have different retirement benefits available, primarily earlier retirement, in order to further the State's objective of maintaining a youthful and vigorous front-line public safety workforce capable of protecting the public from physical harm. Further, representatives of PERS stated that the Advisory Committee's input is vital to the Retirement Board since the membership of the Advisory Committee is comprised of public safety personnel who are knowledgeable about the duties of these positions and qualifications to be covered within the Fund.

- Chair Bustamante Adams informed the Subcommittee that PERS provided information stating the annual operating cost of the Committee was \$11,471. She noted a statement will be included in the Subcommittee's final report to encourage cost transparency in the budget process.
- The Subcommittee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYWOMAN CARLTON MOVED TO CONTINUE THE POLICE AND FIREFIGHTERS' RETIREMENT FUND ADVISORY COMMITTEE. THE MOTION WAS SECONDED BY SENATOR KIHUEN AND PASSED.

4. **Committee on Health Benefit Plans** (NRS 689C.960)—The Committee makes recommendations to the Board of Directors of the Program of Reinsurance concerning the form, levels of coverage, and design for basic and standard health benefit plans offered by certain small employers and individual carriers.

Should the Committee on Health Benefit Plans 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 determines that the Committee should continue:

- a. *Does the Subcommittee want to recommend any changes concerning the Committee on Health Benefit Plans?*
- b. *Does the Subcommittee want to recommend any changes concerning the duties of the Committee on Health Benefit Plans?*

Bob Bishop, Chair, Committee on Health Benefit Plans, provided testimony at the April 27, 2012, meeting, that if the Patient Protection and Affordable Care Act is found to be constitutional and is not significantly altered by the United States Congress, the Committee will not be needed after the full implementation of the Act on January 1, 2014.

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

ASSEMBLYWOMAN CARLTON MOVED TO CONTINUE THE COMMITTEE ON HEALTH BENEFIT PLANS. THE MOTION WAS SECONDED BY ASSEMBLYMAN MCARTHUR AND PASSED.

- Assemblywoman Carlton pointed out that a legislative conversation will need to be held with the Division of Insurance because the Commission will need to be phased out in 2014.

5. **Board for the Regulation of Liquefied Petroleum Gas** (NRS 590.485)—The Board was created for the protection of the public who utilizes or is exposed to LP-Gases (propane, propylene, butanes, either normal butane or isobutene, and butylene). The Board licenses and inspects all suppliers of LP-Gas and retailers who sell and dispense LP-Gas. Additionally, the Board regulates the removal of tanks from a consumer's premise, responds to complaints, assists consumers in obtaining fuel in an emergency and facilitates the resolution of disputes between licensees and its customers.

Should the Board for the Regulation of Liquefied Petroleum Gas 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 determines that the Board should continue:

- a. *Does the Subcommittee want to recommend any changes concerning the Board for the Regulation of Liquefied Petroleum Gas?*
- b. *Does the Subcommittee want to recommend any changes concerning the duties of the Board for the Regulation of Liquefied Petroleum Gas?*

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

ASSEMBLYWOMAN CARLTON MOVED TO CONTINUE THE BOARD FOR THE REGULATION OF LIQUEFIED PETROLEUM GAS. THE MOTION WAS SECONDED BY MR. PARTLOW AND PASSED.

6. **State Barbers' Health and Sanitation Board** (NRS 643.020)—The Board licenses barbershops, barber schools, and individual barbers. The Board inspects barbershops and schools for compliance with proper sanitation and other requirements. Further, the Board investigates consumer complaints, taking effective measures to resolve issues, including levying fines, and suspending and revoking licenses.

Should the State Barbers' Health and Sanitation Board 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 determines that the Board should continue:

- a. *Does the Subcommittee want to recommend any changes concerning the State Barbers' Health and Sanitation Board?*
- b. *Does the Subcommittee want to recommend any changes concerning the duties of the State Barbers' Health and Sanitation Board?*

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

ASSEMBLYWOMAN CARLTON MOVED TO CONTINUE THE STATE BARBERS' HEALTH AND SANITATION BOARD. THE MOTION WAS SECONDED BY SENATOR KIHUEN AND PASSED.

- Senator Settlemeyer recommended the Subcommittee suggest to the Legislative Commission that the State Barbers' Health and Sanitation Board and

the State Board of Cosmetology meet and discuss ways to eliminate any duplicity of sanitation inspections and the complaint process.

- Assemblywoman Carlton mentioned the Boards have the opportunity to meet with each other right now but have not done so because they can only discipline their own licensees.
- Mr. Partlow opined that putting the Boards together would not work.
- Chair Bustamante Adams stated that these concerns will be addressed in the Subcommittee's final report and encouraged members of the two Boards to meet in order to create efficiency for the State.

7. **State Board of Cosmetology** (NRS 644.030)—The Board protects the citizens using cosmetological services from disease, infection, injury, or malpractice of any type relating to the cosmetology industry. The Board regulates persons, establishments, and schools providing cosmetological services, including aesthetics, cosmetology, electrology, hair braiding, and nail technology. The Board investigates consumer complaints and may take disciplinary action against a licensee.

Should the State Board of Cosmetology 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 determines that the Board should continue:

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

The State Board of Cosmetology recommends the following modifications:

1. Amend NRS 644.380 to allow the Board to approve new types of schools that can be licensed, determine appropriate requirements for those schools, and set the required minimum number of students at those schools.
2. Amend Chapter 644 ("Cosmetology") of NRS to allow the Board to grant a temporary educational permit authorizing a current licensee within the scope of this license to conduct demonstrations and exhibitions, temporarily and primarily for education purposes.

3. Amend NRS 644.190(1) to allow classes to be taught in places other than licensed schools. The intent is to allow greater opportunity to garner education focused on enhancing licensees' skills and knowledge.

- Chair Bustamante Adams pointed out that the State Board of Cosmetology made some recommendations for policy changes; she encouraged the Board to partner with a legislator or committee chair to create a BDR.

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

ASSEMBLYWOMAN CARLTON MOVED TO CONTINUE THE STATE BOARD OF COSMETOLOGY. THE MOTION WAS SECONDED BY SENATOR KIHUEN AND PASSED.

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

State Board of Oriental Medicine (NRS 634A.030)

(As directed by Chair Bustamante Adams, this agenda item was taken out of order.)

- Dr. Farolyn McSweeney, President, State Board of Oriental Medicine, testified the Board should remain unchanged. She commented that the membership of the Board consists of: three Oriental Medical Doctors (OMD); one medical doctor; and a public member which is currently vacant. Dr. McSweeney stated that historically, the Board was the first in the country to legislate, legalize, and regulate acupuncture and oriental medicine. She added it is self-funded; licensees and applicants are the Board's source of revenue.
- Dr. Sae Lee, member, State Board of Oriental Medicine, supported continuing the Board because the profession of oriental medicine is different than traditional medicine. He remarked that the Board has maintained high standards, helping the people of Nevada receive qualified service since it was established in 1973.

A conversation ensued between Assemblywoman Carlton and Dr. McSweeney concerning the types and number of licensees. Dr. McSweeney pointed out there is only one type of license, and the Board's website identified 52 licensees.

There was discussion regarding the finances of the Board. Dr. McSweeney explained the Board is current every month with all expenses, including those for the Deputy Attorney General. Assemblywoman Carlton noted she did not see any reserves identified in the material presented to the Subcommittee ([Exhibit Y](#)), but did see a savings account of \$12,000 and acknowledged a year-end surplus of \$15,000.

Dr. McSweeney remarked there was \$95,000 in the checking account and informed Assemblywoman Carlton there have been no fee increases for at least five years.

She stated the fee for annual license renewal is \$700 and the Board can charge up to \$1,000.

- Assemblywoman Carlton requested more information on whether the Board has a reserve fund to cover legal costs in the event of an emergency.

Chair Bustamante Adams and Dr. McSweeney discussed the governing structure of the Board. Dr. McSweeney shared that the nonmedical position has not been filled for almost three years. She explained an individual must apply to be on the Board and the Governor then makes an appointment. In response to Chair Bustamante Adams, Dr. McSweeney replied there had been no communication with the Governor about the vacancy.

Responding to Chair Bustamante Adams, Dr. McSweeney stated the Board has no fulltime staff. She commented the Executive Director receives a monthly salary.

- Kim Reese, Executive Director, State Board of Oriental Medicine, stated she works approximately four to five hours a day.

A discussion ensued concerning protocol for addressing concerns of licensees and the general public. Ms. Reese stated there is a message indicating contact will be made within 48 to 72 hours. The Chair expressed concern because the Subcommittee did not receive a timely response from the Board.

- Assemblywoman Carlton commented that there had been no disciplinary actions dating back to March 2009. She inquired as to how many investigations had been conducted and complaints received since then.

Dr. McSweeney explained the types of investigations conducted and the complaint process. Concerning complaints about other OMDs, she stated the Executive Director communicates with the Board President and attorneys to devise a plan of action. Dr. McSweeney added that the type of issue(s) determine who completes the investigation.

Responding to Assemblywoman Carlton's inquiry regarding the Board's statutory authority to discipline nonlicensees, Dr. McSweeney replied the Board does have the authority to submit a "cease and desist" letter.

- Assemblywoman Carlton remarked that possibly the Board is not reporting all investigations and disciplinary action to the database.

- Ms. Reese explained the complaint process.
- Chair Bustamante Adams requested the Board notify the Subcommittee when the public member is appointed to the Board.
- Dr. Lee explained that for many years the Board did not have the ability to pay a fee to any Board member. He added funds are now available to pay a lay person.
- Chair Bustamante Adams called for public comment.
- Maggie Tracey, OMD, provided a letter of support for the Board of Oriental Medicine. (Please see [Exhibit Z.](#))

Nevada State Funeral Board (NRS 642.020)

(As directed by Chair Bustamante Adams, this agenda item was taken out of order.)

- Diane Shaffer, Executive Director, Nevada State Funeral Board, testified the Board's mission is to test funeral directors, embalmers, and apprentice embalmers on the knowledge and trades of funeral directing, embalming, and the laws of the State in order to protect the general public. She noted the Board has licensed 185 funeral directors and embalmers and four apprentice embalmers. Ms. Shaffer stated it also represents and licenses funeral homes, cemeteries, and crematories. She added there are five establishments pending licensure, in addition to eight prospective licensees. Ms. Shaffer said the Board is self-supporting. (Please see [Exhibit AA.](#))

Responding to Assemblywoman Carlton's question concerning community access to the Board's office, Ms. Shaffer explained there is no walk-in office due to death threats toward Board members in past years. She said consumers may access the office via telephone and the Internet, and meetings are held in the Grant Sawyer State Office Building in Las Vegas.

- In response to Assemblywoman Carlton's inquiry regarding the Board's fee structure, Ms. Shaffer stated that fees were last raised in 2003, and the Board is currently at its cap. She explained the initial fee for a funeral director or embalmer is \$375 with a \$200 annual renewal fee, and the fee for an apprentice embalmer is \$75.
- Assemblywoman Carlton expressed concern about documentation of inspections. Ms. Shaffer explained that according to its retention schedule, the Board must shred last year's documents.
- Assemblywoman Carlton requested that Ms. Shaffer provide an inspection schedule to the Subcommittee.
- Assemblywoman Carlton acknowledged proposed future legislation in the Board's recommendations to place a \$5 fee on each original death certificate. (Please see [Exhibit AA.](#))

A discussion between Assemblywoman Carlton and Ms. Shaffer followed concerning the operation and budget of the Board's office. Ms. Shaffer explained that she is the only full-time employee, and her normal working hours are 8:00 a.m. to 12:00 p.m., Monday through Friday, but calls from grieving families are addressed immediately. She reiterated the home office in Las Vegas is not a walk-in office.

- Assemblywoman Carlton requested that Ms. Shaffer provide a budget to the Subcommittee before the Board considers a fee increase.

Responding to Assemblyman McArthur's inquiry if the Board was able to meet all of its fiscal expenses for operation, Ms. Shaffer replied that it does meet its expenses but would like to offer additional, updated services to the industry and the public.

A conversation ensued between Chair Bustamante Adams and Ms. Shaffer concerning the structure of the Board. Ms. Shaffer stated that all five positions are filled. She confirmed that of the two general public members, one is the Board Chair, Aleda Nelson.

- Chair Bustamante Adams echoed Assemblywoman Carlton's concern about serving the general public. She mentioned that some of her constituents have expressed frustration about not being able to contact the Board or receive a response in a timely fashion.

A discussion concerning the Board's response policy to public inquiries and office operations followed. Ms. Shaffer stated she answers calls either that afternoon or the next morning.

- Bart Burton, member, Nevada State Funeral Board, stated that cremation is on an increase in Nevada and the need for licensed embalmers is decreasing. He explained the Board is funded directly from fees generated by the businesses and licensed positions in the funeral industry. Mr. Burton noted the death certificate fee will generate more income for the Board.

Responding to Chair Bustamante Adams' inquiry, Ms. Shaffer replied the last audit was performed in 2011.

- Chair Bustamante Adams requested that the audit information be submitted to the Subcommittee.
- Chair Bustamante Adams called for public comment.
- Warren Hardy, representing LaPaloma Funeral Services, testified that the funeral industry supports having a Board representing the interests of the public and is comfortable with the composition of the Board, but stated the administrative functions need improvement.

Continuing, Mr. Hardy acknowledged that the funeral industry sought model legislation from other states, and Minnesota's model appears to be effective by eliminating its appointed board and placing the administrative functions under the Mortuary Science Section of the Department of Health. He stated a detailed proposal will be presented to the Subcommittee.

- Assemblywoman Carlton expressed concerns about public protection and inquired if the Board would be advisory in nature or totally eliminated.
- Mr. Hardy replied the industry would keep the makeup of the Board but only in an advisory role.

Responding to a question from Assemblywoman Carlton regarding inspections, Mr. Hardy suggested that possibly the State could accept the county inspections for funeral rotations. He added the industry is evolving substantially with cremation becoming the industry standard, making the Department of Health and Human Services (DHHS) the ideal agency to administer the program.

- Ryan Bowen, LaPaloma Funeral Services, stated that as a member of the industry, he struggles with the Board's lack of accomplishments. He informed the Subcommittee he was inspected when he initially opened his office and again three years later by a Board member. Mr. Bowen said he is inspected by the rotation in Clark County, but noted Washoe County is not completing regular inspections. He requested that the Board address these issues.

Mr. Bowen informed the Subcommittee that an electronic filing system for death certificates was put in place four to five years ago to eliminate paperwork and travel time. He explained that under the new system doctors are supposed to sign death certificates online, but less than 5 percent of the doctors utilize the system due to a lack of enforcement by the Board. In Mr. Bowen's opinion, not having this system operational is a waste for the funeral industry and a disservice to the public.

- Mr. Hardy, previously identified, explained the Board is made up of individuals who have other jobs, making it difficult for them to take the initiative to perform administrative tasks. He noted the staff of DHHS could take on these administrative duties with relative ease and little expense.
- Chair Bustamante Adams requested that a copy of the minutes from the Board's last meeting be submitted to the Subcommittee.

A discussion between Assemblywoman Carlton and Ms. Shaffer ensued regarding the Board's contractual services. Assemblywoman Carlton identified services in the amount of \$74,000. Ms. Shaffer acknowledged the contractual services are her health benefits and salary.

- Assemblywoman Carlton requested a breakdown on the expenses for the single full-time employee.

- James Mullikin, managing partner, Bunkers Mortuaries, Cemeteries & Crematory, Las Vegas, Treasurer, Nevada State Funeral Board, stated he did not know why the financial information was not provided to the Subcommittee. He informed the Subcommittee that all expenses are accounted for and the Board is solvent. Mr. Mullikin said the Board receives the majority of its revenue during January and February, making it difficult to maintain operating expenses toward the end of the year. He added the Treasurer's report is presented at each Board meeting.

Mr. Mullikin informed the Subcommittee that his term expired at the end of 2011 but was advised to remain on the Board until someone else was appointed. He also stated he has been trying to clean up the record keeping of the previous Treasurer.

State Grazing Boards (NRS 568.040)

- Chair Bustamante Adams identified six State grazing boards. (Please see [Exhibit BB](#), [Exhibit CC](#), [Exhibit DD](#), [Exhibit EE](#), and [Exhibit FF](#).)
- Connie Simkins, resident of Panaca, Nevada, part-time Secretary, Nevada Grazing Board of District No. 4 and No. 5, presented a copy of the By-laws for the Central Committee of Nevada State Grazing Boards. (Please see [Exhibit GG](#).) Ms. Simkins explained the State grazing boards are organized under Chapter 568 "Grazing and Ranging" of NRS and use no State or County funds. She further explained that grazing fees paid into the Federal Bureau of Land Management (BLM) provide their funding. Ms. Simkins stated that each of the six grazing boards and the Central Committee have a part-time secretary.

Continuing, Ms. Simkins provided a history of Nevada Grazing Board of District No. 5. She pointed out there is no board today for District No. 5 because there are no grazing operators in Clark County.

- Steve Boies, Chair, Central Committee of Nevada State Grazing Boards, member, Nevada Grazing Board of District No. 1, Elko, Nevada, added that 12.5 percent of the grazing fees goes to the State for the individual grazing boards. He commented that contributions from that money make up the budget for the Central Committee. Mr. Boies added that board members are elected by their peers.
- Ms. Simkins discussed the election process. She stated annual meetings are held when funds are received.
- Jim Linebaugh, resident of Lyon County, volunteer for the grazing boards since the mid 1970's, former Secretary, Nevada Grazing Board of District No. 3 of Western Nevada, former Secretary, Central Committee of Nevada State Grazing Boards, recommended the Subcommittee continue the grazing boards as they are.
- Michelle Langsdorf, Secretary, Nevada Grazing Board of District No. 3 of Western Nevada, offered to answer any questions.

In response to Senator Lee's inquiry, Ms. Simkins stated the money is reported in several ways: (1) the grazing boards are audited by the county where the funds rest; (2) reports on the boards' activities are made to County Commissions; and (3) annual meetings are held under the open meeting law when the money is received.

Discussion ensued among Senator Lee, Assemblywoman Carlton, and Ms. Simkins regarding the distribution of funds. Ms. Simkins stated that most of the funds go towards water development on public lands. She added that rates have not gone up because they are established by the BLM of the United States Department of Interior. Ms. Simkins pointed out that exploration of water would not be an approved project, but noted the grazing boards would help after water had been located.

- Mr. Partlow identified duplication between the grazing boards and inquired if the boards could be combined.

Ms. Simkins explained the reason for duplication is that different issues determine the best usage of the money on a site-specific basis.

- Mr. Boies stressed that the members of the grazing boards are familiar with the geographic differences and needs of their areas and can best determine if a project request is valid. He opined it would be difficult to distribute the funds for the entire State from one board.

A conversation ensued among Ms. Simkins, Mr. Boies, and Chair Bustamante Adams regarding the policies of the Boards. Ms. Simkins stated the By-laws of the grazing boards are identical to the By-laws of the Central Committee. (Please see [Exhibit GG](#).) Mr. Boies confirmed each grazing board has its own set of policies and rules similar to the Nevada Grazing Board of District No. 1. (Please see [Exhibit BB](#).) Ms. Simkins added that the Nevada Grazing Board of District No. 4 and No. 5 is part of Lincoln County's general audit.

In response to Chair Bustamante Adams for an explanation of the repeated request for money by *Range Magazine* ([Exhibit BB](#), [Exhibit CC](#), [Exhibit DD](#), [Exhibit EE](#), and [Exhibit FF](#)), Ms. Simkins explained the magazine is industry-supported, published four times a year, and solicits money from each board.

Responding to the request by Chair Bustamante Adams for clarification of project reimbursement, Ms. Simkins confirmed that money is not dispersed until a project is completed.

- Mr. Linebaugh stated that money collected does not go directly to *Range Magazine*. He explained the funds go to a nonprofit organization called the Range Conservation Foundation.
- Chair Bustamante Adams requested that staff obtain the audit reports of the grazing boards from the County Auditors.

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

Central Committee of Nevada State Grazing Boards (NRS 568.170)

- Steve Boies, previously identified, stated that each grazing board contributes to the Central Committee of Nevada State Grazing Boards. He discussed the Central Committee's membership and budget. (Please see [Exhibit HH](#).)

Responding to Chair Bustamante Adams' question regarding the Central Committee's audits, Mr. Linebaugh stated that to his knowledge, the Central Committee has not had a recent audit.

- Chair Bustamante Adams requested that Mr. Boies and Mr. Linebaugh provide information about the audit process and the date of the Central Committee's last audit to the Subcommittee.

Mr. Boies responded to Chair Bustamante Adams' request for clarification of the \$5,000 travel expense in the budget ([Exhibit HH](#)) by explaining the expenses are associated with an annual trip to Washington, D.C., with the Public Lands Council.

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

State Board of Agriculture (NRS 561.045)

- Jim Barbee, Director, State Department of Agriculture, presented a Microsoft PowerPoint Presentation which highlighted: (1) Nevada statutes creating the Board and giving it the authority to adopt regulations; (2) the governing structure of the Board; (3) the duties of the Board per NRS 561.105; (4) dates of the last eight meetings; (5) the objectives and mission statement of the Board; and (6) statutory tax exemptions, abatements, or money set aside for the Board. (Please see [Exhibit II](#).)

Mr. Barbee concluded by stating the Board is key to: (1) agriculture promotion; (2) agency transparency and industry involvement; and (3) setting acceptable industry regulations and fees. He does not recommend any statutory changes to the Board.

Responding to Mr. Partlow's question regarding funding, Mr. Barbee identified the total funding for the State Department of Agriculture as: 10 percent from the General Fund; 55 percent from fees; and 35 percent from grants.

In response to Mr. Partlow's request for a breakdown of the State Department of Agriculture's General Funds that support this Board, Mr. Barbee noted that in 2009 the Board of Agriculture cost the General Fund \$18,000. (Please see [Exhibit JJ](#).) He stated the budget for Fiscal Year (FY) 2010 was \$13,000; \$224 for FY 2011; and a budget under \$8,000 each year in this biennium.

Responding to Assemblywoman Carlton's inquiry if the Board has had discussions about the farm-to-table issues, Mr. Barbee replied the Board itself has not had discussions, but his staff at the Department of Agriculture has talked with DHHS and the Department of Education about a federal grant for a farm-to-school initiative.

- Assemblywoman Carlton declared she has been contacted by some schools that would like to teach gardening and conveyed concerns about food safety. She stated she would like the Board to become a partner with this project to identify any financial impacts of community gardens.
- Mr. Barbee confirmed the Department of Agriculture has been working with DHHS to define its responsibilities under NRS 583.

Chair Bustamante Adams and Mr. Barbee discussed the compensation of the Board and the members' duties. (Please see [Exhibit II](#).) Mr. Barbee explained that NRS 561.075 allows the Board members to receive \$80 plus a travel allowance when they attend a Board meeting. He mentioned the compensation was cut from the budget in FY 2011. Mr. Barbee referred to [Exhibit II](#) which illustrates the broad spectrum of industry representation of the Board, referencing the wide range of regulation the Board oversees.

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

Garlic and Onion Growers' Advisory Board (NRS 556.020)

- Dawn Rafferty, Administrator, Plant Industry Division, State Department of Agriculture, introduced Steve Marty, Program Manager, Garlic and Onion Quarantine Inspection Program. Ms. Rafferty provided a Microsoft PowerPoint presentation which highlighted: (1) Nevada statutes creating the Board and giving it the authority to adopt regulations; (2) the structure, makeup, and duties of the Board; (3) dates of the last six meetings; (4) the objectives of the Board; (5) the statutory tax exemptions, abatements, or money set aside for the Board; and (6) the effectiveness of the Board. Ms. Rafferty stated there is no duplication of services and had no recommendations to change the Board. (Please see [Exhibit II](#).)
- Mr. Marty explained that garlic and onion production is largely centered in Mason Valley near Yerington, with approximately 3,600 acres of onions and 600 acres of garlic seed. He added there are production areas in northern Nevada near Winnemucca and little, if any, production in southern Nevada.
- Senator Settelmeyer explained that there are diseases specific to onion and garlic, and new land is necessary to prevent diseases which can destroy the entire industry. He also commented that the industry in Nevada and the United States hit a stumbling block when China began subsidizing shipping to America. Senator Settelmeyer noted that garlic farmers experienced a price drop from \$40 to \$4 per bag overnight. He

opined there is a need for the industry to maintain this Board, especially if foreign countries quit subsidizing shipping.

- Mr. Marty explained that foreign competition, reduction in acreage, budget cuts and the elimination of quarantine inspections contributed to the Board not meeting. (Please see [Exhibit KK](#).)

Responding to Mr. Partlow's question regarding why there is no recommendation to combine the Garlic and Onion Growers' Advisory Board with the State Board of Agriculture, Mr. Marty explained that the Advisory Board funds its own activities specific to its industry sector. He emphasized that a definite need for localized, specific data remains despite the garlic and onion industry moving from many small companies to a few large companies.

A discussion ensued between Assemblywoman Carlton, Mr. Marty, and Mr. Barbee regarding the new registration fees. Mr. Marty explained the inspection fees were implemented December 5, 2011. Mr. Barbee added that as a result of the audit completed in October 2010, each inspection program had to be self-funded. He declared the inspection fees are necessary to continue economic growth.

Responding to Assemblywoman Carlton's question if legislation was required for this fee, Mr. Barbee replied the regulatory process was used.

- Chair Bustamante Adams inquired as to how much the garlic and onion industry contributes to Nevada's exportation; Mr. Barbee stated he would provide those figures which are available from the Division of Economic Development.

In response to Chair Bustamante Adams' question regarding the amount collected from the new fees since their implementation, Mr. Marty stated the registered acreages for the current production year are roughly 600 acres of garlic at \$14 per acre and roughly 3600 acres of onion at \$7 per acre.

- Chair Bustamante Adams requested that Mr. Marty supply these amounts in writing to the Subcommittee.
- Chair Bustamante Adams called for public comment, however, no testimony was presented.

Alfalfa Seed Advisory Board (NRS 587.135)

- Dawn Rafferty, previously identified, provided a Microsoft PowerPoint presentation regarding the Alfalfa Seed Advisory Board that highlighted: (1) Nevada statutes creating the Board and giving it the authority to adopt regulations; (2) the structure, makeup, and duties of the Board; (3) dates of the last six meetings; (4) the objectives of the Board; (5) the statutory tax exemptions, abatements, or money set aside for the Board; and (6) the effectiveness of the Board. Ms. Rafferty had no recommendations to change the Board. (Please see [Exhibit II](#).)

In response to Chair Bustamante Adams' inquiry about the resignation of the Director, Mr. Marty explained the Board continues its recruitment of a new Chair.

Responding to Chair Bustamante Adams' request for clarification regarding how funds are generated ([Exhibit LL](#)), Mr. Marty explained an assessment not to exceed 50 cents per hundred weight of clean seed production is set annually by the Department. He added the current assessment is set at 40 cents per hundred weight of clean seed production.

- Mr. Marty reported the budgets for the two Advisory Boards are housed in the same budget.

In response to Chair Bustamante Adams' question regarding the alfalfa research promotion money, Mr. Marty explained it comes from the actual producer of the alfalfa seed.

A discussion ensued regarding Chair Bustamante Adams' request for clarification on exportation. Mr. Marty explained that alfalfa seed is ready to be sold after being separated from inert materials. He added the seed is produced under contract and sent out of state to be cleaned. Mr. Barbee stated that Nevada does not get credit for international export when agricultural commodities or products are shipped out of the State to be processed.

Responding to Senator Lee's question regarding what Nevada can do to clean the seed for exportation, Mr. Barbee emphasized a constant economic goal of the Department is securing more processors for the State. He noted the Department is working with the Western United States Agriculture Trade Association to help producers apply and receive grants on a matching basis to set up international export opportunities. Mr. Barbee commented that during the last few years, only \$200,000 has been applied for and received by Nevada agricultural producers. He stressed the Department is attempting to educate growers about these funds and grants, encouraging Nevada producers to get on board with international exports.

Continuing, Mr. Barbee stated a co-op is one example of a method to increase economic activity. He said the Division of Economic Development and the Governor's Office have a specific international marketing representative who tries to connect outside money to Nevada products.

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

Committee on Co-Occurring Disorders (NRS 439.527)

- Dr. Lesley R. Dickson, Chair, Committee on Co-Occurring Disorders (COD), made a presentation which highlighted the following: (1) formation of the Committee and its 2011 report to the Director of the Legislative Counsel Bureau; (2) the coexistence of mental illness and substance abuse problems, known as COD, in individuals entering mental health systems; (3) an evaluation of the interaction of the criminal justice system with State agencies providing services to persons with COD; (4) an evaluation of treatment occurring in outpatient clinics, jails, and prisons; (5) an examination of programs to maintain achievement and prevent recidivism upon release from jail; (6) an examination of professional licensing problems and inadequate funding; and (7) recommendations and updates by the Committee. (Please see [Exhibit MM](#) and [Exhibit NN](#).)

Dr. Dickson emphasized that the Committee has met its mandates and voted to disband. She stated letters were sent to Governor Sandoval and Lorne Malkiewich, former LCB Director, who informed the Committee it had to be disbanded by the Nevada Legislature.

- Mary Woods, Public Information Officer, DHHS, submitted written testimony on behalf of Jane Gruner, Deputy Administrator, DHHS. (Please see [Exhibit OO](#).) Ms. Woods thanked Dr. Dickson for her work, and stated that DHHS is in agreement that the Committee has completed its mandate.
- Chair Bustamante Adams called for public comment, however, no testimony was presented.

Pharmacy and Therapeutics Committee (NRS 422.4035)

- Coleen Lawrence, Chief of Program Services, Division of Health Care Financing and Policy, DHHS, presented written testimony supporting the continuation of the Nevada Medicaid Pharmacy and Therapeutic Committee. (Please see [Exhibit PP](#).)

Ms. Lawrence identified the necessary steps the Committee is required to complete in order to operate a Preferred Drug List (PDL):

1. Decide whether a therapeutic class is included on the PDL and perform a clinical analysis of the drugs;
2. Decide which drugs are reviewed for inclusion on the PDL;
3. Decide which drugs should be excluded based on continuity of care concerning a specific diagnosis, condition, class of therapeutic prescription drugs or medial specialty;
4. Base decisions on evidence of clinical efficacy and without consideration of the cost of the prescription drugs being considered;

5. Review new pharmaceutical products in an expeditious manner;
 6. Review the PDL annually; and
 7. Use clinical judgment and analyze peer review articles, published studies, and other medical and scientific information to carry out duties. (Please see [Exhibit PP.](#))
- Liz MacMenamin, Retail Association of Nevada, testified that the Retail Association of Nevada along with the National Association of Chain Drug Stores were part of the process that established this Committee when escalating drug prices caused states to find ways to decrease the costs of drugs for Medicaid recipients. Ms. MacMenamin urged the Subcommittee to consider continuation of the Committee.

A discussion ensued between Ms. Lawrence and Chair Bustamante Adams concerning staff members and the budget. (Please see [Exhibit QQ.](#)) Ms. Lawrence explained that the two staff members are not dedicated to only the Committee; they have other duties as assigned. She detailed the administrative assistant's responsibilities, and noted the Committee serves as a management tool for the Pharmacy Program. Ms. Lawrence added that the two staff members are paid through the Medicaid program. She explained there is no budget assigned to this Committee.

In response to an inquiry from Chair Bustamante Adams, Ms. Lawrence replied the Board is fully staffed.

- Chair Bustamante Adams called for public comment.
- Rocky Finseth, Carrara Nevada, testified on behalf of the Pharmaceutical Research Manufacturers of America and supported the continuation of the Committee. He noted its role in allowing access to quality and affordable drugs for Medicaid recipients and ensuring that Nevada Medicaid patients have access to the latest products and clinical research for inclusion on the PDL.

PUBLIC COMMENT

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

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 3:57 p.m.

Respectfully submitted,

Janet Coons
Senior Research Secretary

Marjorie Paslov Thomas
Principal Research Analyst,
Legislative Counsel Bureau

APPROVED BY:

Assemblywoman Irene Bustamante Adams, Chair

Date: _____

LIST OF EXHIBITS

[Exhibit A](#) is the “Meeting Notice and Agenda” provided by Marjorie Paslov Thomas, Principal Research Analyst, Research Division, Legislative Counsel Bureau (LCB).

[Exhibit B](#) is a letter dated May 24, 2012, to Assemblywoman Irene Bustamante Adams, Chair, and the Sunset Subcommittee of the Legislative Commission, from Kenneth E. Mayer, Director, Nevada Department of Wildlife (NDOW), regarding the funding of NDOW, including enclosures:

- NDOW Budget Status Summary FY 2012 YTD as of 03/5/12;
- NDOW Funding Summary (by source) FY2012;
- Funding Detail by Source;
- NDOW Funding Summary (by type) FY2012;
- Funding Detail by Type; and
- NDOW Funding Source Narrative.

[Exhibit B-1](#) is a compilation of letters and e-mail correspondence submitted by organizations and private citizens regarding the Board of Wildlife Commissioners.

[Exhibit C](#) is the written testimony of Kim Rhodemyre dated June 5, 2012, to the Sunset Subcommittee of the Legislative Commission, regarding reconfiguration of the Board of Wildlife Commissioners.

[Exhibit D](#) is a letter dated May 30, 2012, to Chairwoman Irene Bustamante Adams and Members of the Sunset Subcommittee of the Legislative Commission, from Jeremy Drew, Commissioner, Board of Wildlife Commissioners, Department of Wildlife, regarding Additional Information Regarding the Nevada Board of Wildlife Commissioners.

[Exhibit E](#) is a letter dated May 16, 2012, to Assemblywoman Irene Bustamante Adams, Chair, and the Sunset Subcommittee, Nevada Legislative Commission, from Gil Yanuck, Carson City, regarding Workshop for the Wildlife Commission, Department of Wildlife, and County Advisory Boards.

[Exhibit E-1](#) is the written testimony of Gil Yanuck, President and CEO, Friends of Nevada Wildlife, dated June 6, 2012 [*sic*], to Assemblywoman Irene Bustamante Adams, Chair, and the Sunset Subcommittee, Nevada Legislative Commission, regarding Workshop for the Wildlife Commission, Department of Wildlife, and County Advisory Boards.

[Exhibit F](#) is a letter submitted via e-mail dated June 1, 2012, to M.P. Thomas and Ms Bustamante Adams [*sic*], from Kevin CK Baily, regarding I Support The Current Nevada Board Of Wildlife Commissioners And County Advisory Board Structure To Manage Our State’s Wildlife.

[Exhibit G](#) is the written testimony of Elaine Carrick, Reno, dated June 6, 2012 [*sic*], supporting reconfiguration of the Board of Wildlife Commissioners.

[Exhibit H](#) is a letter submitted via e-mail dated June 6, 2012, to Members of the Sunset Subcommittee of the Legislative Commission, from Tina Nappe, Carson City, regarding County Advisory Boards to Manage Wildlife.

[Exhibit I](#) is a packet of information offered by Christine Schwamberger, NoBearHuntNV.org, Zephyr Cove, Nevada, regarding the Board of Wildlife Commissioners, which includes:

- An article submitted via e-mail titled “Nevada panel sets quota of 20 black bears for hunters, but no special protection for sows,” written by Martin Griffith, Associated Press, *Reno Gazette-Journal*;
- A letter dated June 6, 2012, to Assemblywoman Irene Bustamante Adams, Chairman, Sunset Subcommittee of the Legislative Commission, from Donald A. Molde, M.D., Reno, Nevada, regarding the Board of Wildlife Commissioners;
- A letter dated May 14, 2012, to Assemblywoman Irene Bustamante Adams, Chair, Sunset Subcommittee of the Legislative Commission, from Christine Schwamberger, General Counsel, NoBearHuntNV.org, regarding Wildlife Commission Should Be Reconfigured to Represent Majority Population and Attitudes Toward Wildlife;
- A commentary titled, “A Conservation Institution for the 21st Century: Implications for State Wildlife Agencies,” *Journal of Wildlife Management* 74(2):203—209; 2010; DOI: 10.2193/2008—485; and
- A Dissertation Presented to the Faculty of the Graduate School of Cornell University in Partial Fulfillment of the Requirements for the Degree of Doctor of Philosophy titled, “Wildlife Conservation and Management in the 21st Century: Understanding Challenges for Institutional Transformation,” dated August 2008, by Cynthia Ann Jacobson.

[Exhibit J](#) is a packet of information offered by Johanna Emm, Yerington, Nevada, regarding the Board of Wildlife Commissioners, which includes:

- A letter written by Buck Sampson, Tasiget Band of Paiute, Spiritual Advisor, regarding the hunting of bears, with the attachments: Executive Order 13175 of November 6, 2000, Consultation and Coordination with Indian Tribal Governments by former President William J. Clinton; and a Memorandum For The Heads Of Executive Departments and Agencies, dated November 5, 2009, from President Barack Obama, regarding Tribal Consultation;
- A document titled “Summary of Bears Killed,” August 20, 2011, through December 31, 2011;
- A document titled “American Indian Religious Freedom Act,” portion, as amended;
- A letter submitted via e-mail dated June 4, 2012, to the Legislative Body [*sic*], from Johanna Emm, Yerington Paiute Tribal member, Washoe Tribal descendant, regarding the Board of Wildlife Commissioners, with attachments: (1) a letter to U.S. Senator

Dean Heller, from Johanna Emm, Yerington Paiute Tribal Member, regarding the sport killing of bears; and (2) a memorandum with enclosures dated September 28, 2011, to Wesley G. Dick, Jr., from Rudy al James, Kuiu Kwaan Tribal Spokesman, Secretary General of the United Indigenous Nations, Member of the Board of Wildlife Commissioners of Governors of The International Human Rights Association of American Minorities, Lead Judge of the Traditional Tribal Court of the Kuiu Kwaan, regarding inherent rights, with the September 26, 2011, Kuiu Kwaan Tradiaiton Tribal Court Delclaritory Judgement [*sic*].

[Exhibit K](#) is a packet of information offered by Trish Swain, Coordinator, TrailSafe Nevada, Sparks, Nevada, which includes:

- The written testimony of Trish Swain, dated June 5, 2012;
- A document dated May 30, 2012, to Chair and Members: Sunset Subcommittee of the Legislative Commission, from Trish Swain, Co-ordinator, TrailSafe Nevada, regarding Restructuring Board of Wildlife Commissioners and the County Wildlife Management Boards;
- A list of TrailSafe Supporters, dated March 27, 2012;
- A document titled “Is Trapping Cruel? Presented to Trapping Regulation Committee of the NBWC,” dated November 9, 2011, presented by Patricia Swain, Director, TrailSafe Nevada;
- A report titled “Nevada Department of Wildlife, Predation Management Plan, FY 11 Report & FY 12 Project Proposals”;
- A Memorandum of Understanding (MOU) between the Nevada Department of Wildlife (NDOW) and the United States Department of Agriculture, Animal and Plant Health Inspection Service (APHIS), Wildlife Services, for Wildlife Damage Management in Nevada, dated March 15, 2012;
- A news release dated April 30, 2012, titled “WildEarth Guardians Sues the Nation’s Biggest Wildlife Killer: The Federal Government, Group Requests Court to Stop Illegal Extermination Programs”;
- A letter dated March 21, 2012, to Ms. Hallie Zimmers, Stakeholder Liaison, Legislative and Public Affairs, from Michael A. Mares, Ph.D., President, American Society of Mammalogists, regarding recommendations for redirection of management operations by Wildlife Services;
- A document titled “TrailSafe Experience with NDOW and NBWC”; and
- Excerpts from the “2006 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation—Nevada,” compiled by the U.S. Dept. of the Interior, U.S. Fish and Wildlife Service, U.S. Dept. of Commerce, and U.S. Census Bureau.

[Exhibit L](#) is a letter submitted via e-mail dated June 4, 2012, to the Sunset Subcommittee of the Legislative Commission, from Bob Brunner, Washoe County, Nevada, regarding Support for State Wildlife Commission and the CAB's.

[Exhibit M](#) is a letter submitted via e-mail dated June 4, 2012, to the Sunset Subcommittee of the Legislative Commission, from Fred and Elaine Voltz, Carson City, Nevada, regarding the June 5, 2012, Sunset Committee Hearings–Department of Wildlife.

[Exhibit N](#) is a letter submitted via e-mail dated June 1, 2012, to the Sunset Subcommittee of the Legislative Commission, from Pamela Gartin, Incline Village, Nevada, regarding Evaluating the Nevada Department of Wildlife and Commission.

[Exhibit O](#) is a letter dated May 31, 2012, to the Nevada State Senate - Sunset Committee and Assemblywoman Irene Bustamante Adams, Chair, from Michael J. Smith, Reno, Nevada, supporting reconfiguration of the Board of Wildlife Commissioners.

[Exhibit P](#) is a letter dated March 29, 2012, to Assemblywoman Irene Bustamante Adams, Chairman, and members of the Sunset Subcommittee of the Legislative Commission, Nevada State Legislature, from Dr. Gerald A. Lent, Reno, Nevada, regarding Testimony of Dr. Gerald A. Lent regarding the Board of Wildlife Commissioners.

[Exhibit P-1](#) is the written testimony of Dr. Gerald A. Lent, Reno, Nevada, dated June 5, 2012, to the Sunset Subcommittee of the Legislative Commission, regarding the Board of Wildlife Commissioners.

[Exhibit Q](#) is a letter submitted via e-mail dated June 1, 2012, to Marjorie Paslov-Thomas and Sirs, from John Sullivan, Las Vegas, Nevada, regarding the Commission.

[Exhibit R](#) is a letter submitted via e-mail dated June 3, 2012, to the Sunset Subcommittee of the Legislative Commission, from Karen Layne, DPA, President, Las Vegas Valley Humane Society, regarding Support Reconfiguration of the NV Wildlife Commission and Get Rid of Local Advisory Committees (CABs).

[Exhibit S](#) is an article submitted via e-mail dated May 2, 2012, titled “Sportsmen Pay for Contribution,” written by Frank Miniter, to the Sunset Subcommittee of the Legislative Commission, provided by John J. Cahill.

[Exhibit S-1](#) is a letter submitted via e-mail dated May 3, 2012, to Assemblywoman Irene Bustamante Adams, Chair, and the Sunset Subcommittee of the Legislative Commission, from John J. Cahill, Chair, Nevada Outdoor Democrats, Henderson, Nevada, supporting the Board of Wildlife Commissioners.

[Exhibit T](#) is the written testimony of Ryan G. Werner submitted via e-mail dated June 4, 2012, regarding Nevada's Wildlife, presented by his son, James Werner, Henderson, Nevada.

[Exhibit U](#) is a letter submitted via e-mail dated May 2, 2012, to the Sunset Committee Members, from Beverlee McGrath, Nevada Legislative Specialist & Special Projects; the Nevada Humane

Society; the Society for the Prevention of Cruelty to Animals (SPCA) of Northern Nevada; Nevada SPCA; Nevada Political Action for Animals; Compassion Charity for Animals; PawPAC; Animal Switchboard; Action for Animals; ASPCA; and Best Friends Animal Society, regarding Please support reconfiguration of the Wildlife Commission.

[Exhibit U-1](#) is proposed amendments to NRS Chapter 501 submitted via e-mail dated May 2, 2012, to the Sunset Subcommittee of the Legislative Commission, from Beverlee McGrath, Nevada Legislative Specialist & Special Projects; the Nevada Humane Society; the Society for the Prevention of Cruelty to Animals (SPCA) of Northern Nevada; Nevada SPCA; Nevada Political Action for Animals; Compassion Charity for Animals; PawPAC; Animal Switchboard; Action for Animals; ASPCA; and Best Friends Animal Society.

[Exhibit V](#) is a letter submitted via e-mail dated June 6, 2012, to Chairwoman Irene Bustamante Adams and Members of the Sunset Subcommittee of the Legislative Commission, from Robert Gaudet, President, Nevada Wildlife Federation, Inc., regarding the Nevada Wildlife Commission and the 11 Advisory Boards.

[Exhibit W](#) is a letter submitted via e-mail dated June 4, 2012, to the Nevada State Legislative Sunset Committee, from Paul Harris, President, The Fraternity of the Desert Bighorn, regarding the Nevada State Wildlife Commission & County Advisory Boards to Manage Wildlife.

[Exhibit X](#) is the “Work Session Document,” dated June 5, 2012, submitted by Marjorie Paslov Thomas, Principal Research Analyst, Research Division, LCB.

[Exhibit Y](#) is a packet of information titled “State Board of Oriental Medicine, *Nevada Revised Statutes* 634A.030,” dated June 5, 2012, provided by Sae Lee, Oriental Medical Doctor (OMD), Secretary/Treasurer, State Board of Oriental Medicine.

[Exhibit Z](#) is a letter submitted via e-mail dated June 5, 2012, to Marjorie Paslov Thomas, from Maggie Tracey, OMD, supporting the State Board of Oriental Medicine.

[Exhibit AA](#) is a packet of information titled “Nevada State Funeral Board, *Nevada Revised Statutes* 642.020,” dated June 5, 2012, submitted by Diane L. Shaffer, Executive Director, Nevada State Funeral Board, Las Vegas, Nevada.

[Exhibit BB](#) is a packet of information titled “Nevada Grazing Board of District No. 1, *Nevada Revised Statutes* 568,” dated June 5, 2012, provided by Susan S. Abel, Executive Director, Nevada Grazing Board of District No. 1, Lamoille, Nevada.

[Exhibit CC](#) is a packet of information titled “Nevada Grazing Board of District No. 2, *Nevada Revised Statutes* 568,” dated June 5, 2012, offered by Don Jones, Secretary/Treasurer, Nevada Grazing Board of District No. 2, Winnemucca, Nevada.

[Exhibit DD](#) is a packet of information titled “Nevada Grazing Board of District No. 3, *Nevada Revised Statutes* 568,” dated June 5, 2012, submitted by Michelle Langsdorf, Nevada Grazing Board of District No. 3, Yerington, Nevada.

[Exhibit EE](#) is a packet of information titled “Nevada Grazing Board of District No. 4 and No. 5, *Nevada Revised Statutes* 568,” dated June 5, 2012, provided by Connie Simkins, Nevada Grazing Board of District No. 4 and No. 5, Panaca, Nevada.

[Exhibit FF](#) is a packet of information titled “Nevada Grazing Board of District No. 6, *Nevada Revised Statutes* 568,” dated June 5, 2012, offered by Hank Filippini, Chairman, Nevada Grazing Board of District No. 6, Battle Mountain, Nevada.

[Exhibit GG](#) is the By-laws Central Committee of Nevada State Grazing Boards, revised November 17, 2005, presented by Connie Simkins, Nevada Grazing Board of District No. 4 and No. 5, Panaca, Nevada.

[Exhibit HH](#) is a packet of information titled “Central Committee of Nevada State Grazing Boards, *Nevada Revised Statutes* 568,” dated June 5, 2012, submitted by Rachel Buzzetti, Executive Secretary, Central Committee of Nevada State Grazing Boards, Lamoille, Nevada.

[Exhibit II](#) is a Microsoft PowerPoint presentation titled “Nevada Board of Agriculture,” dated June 5, 2012, offered by Jim R. Barbee, Director, State Department of Agriculture, Secretary, State Board of Agriculture.

[Exhibit JJ](#) is a packet of information titled “State Board of Agriculture, *Nevada Revised Statutes* 561.045,” dated June 5, 2012, submitted by Jim R. Barbee, Director, State Department of Agriculture, Secretary, State Board of Agriculture.

[Exhibit KK](#) is a packet of information titled “Garlic and Onion Growers’ Advisory Board, *Nevada Revised Statutes* 556.020,” dated June 5, 2012, presented by Jim R. Barbee, Director, State Department of Agriculture, Secretary, State Board of Agriculture.

[Exhibit LL](#) is a packet of information titled “Alfalfa Seed Advisory Board, *Nevada Revised Statutes* 587.135,” dated June 5, 2012, submitted by Jim R. Barbee, Director, State Department of Agriculture, Secretary, State Board of Agriculture.

[Exhibit MM](#) is a packet of information titled “Committee on Co-Occurring Disorders, *Nevada Revised Statutes* 439.527,” dated June 5, 2012, offered by Lesley R. Dickson, MD, Chair, Committee on Co-Occurring Disorders.

[Exhibit NN](#) is the written testimony of Lesley R. Dickson, MD, Chair, Committee on Co-Occurring Disorders, dated June 4, 2012.

[Exhibit OO](#) is the written testimony of Jane Gruner, Deputy Administrator, Division of Mental Health and Developmental Services, Department of Health and Human Services (DHHS), dated June 5, 2012, regarding the Governor’s Committee on Co-Occurring Disorders, presented by Mary Woods, Public Information Officer, DHHS.

[Exhibit PP](#) is the written testimony of Coleen Lawrence, Chief of Program Services, Division of Health Care Financing and Policy (DHCFP), DHHS, dated June 5, 2012.

Exhibit QQ is a packet of information titled “Pharmacy and Therapeutics Committee, *Nevada Revised Statutes* 422.4035,” dated June 5, 2012, submitted by Coleen Lawrence, Chief of Program Services, DHCFP, DHHS.

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, other materials distributed at the meeting, and the audio record 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.