



MINUTES OF THE
LEGISLATIVE COMMISSION
NEVADA LEGISLATIVE COUNSEL BUREAU
Nevada Revised Statutes (NRS) 218E.150

The Legislative Commission held its second meeting in Calendar Year 2016 on Monday, April 4, 2016. The meeting began at 9:45 a.m. in Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada, and was videoconferenced to Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada.

COMMISSION MEMBERS PRESENT:

Senator Michael Roberson, Chair
Senator James A. Settelmeyer, Vice Chair
Senator Kelvin D. Atkinson
Senator Moises (Mo) Denis
Senator Aaron D. Ford
Senator Ben Kieckhefer
Assemblyman Nelson Araujo
Assemblywoman Teresa Benitez-Thompson
Assemblywoman Irene Bustamante Adams
Assemblyman Ira Hansen
Assemblyman Stephen H. Silberkraus for Assemblyman John Hambrick
Assemblyman Lynn D. Stewart

OTHER LEGISLATOR PRESENT:

Senator Joseph (Joe) P. Hardy, M.D., Senate District No. 12

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Rick Combs, Director
Rocky J. Cooper, Legislative Auditor, Audit Division
Mark Krmpotic, Senate Fiscal Analyst, Fiscal Analysis Division
Cindy Jones, Assembly Fiscal Analyst, Fiscal Analysis Division
Brenda J. Erdoes, Legislative Counsel, Legal Division
Risa B. Lang, Chief Deputy Legislative Counsel, Legal Division
Susan E. Scholley, Research Director, Research Division
Debbie Gleason, Secretary for Minutes, Research Division
Sylvia A. Wiese, Executive Assistant, Administrative Division

Chair Roberson called the meeting to order. Exhibit A is the agenda, and the attendance sign-in sheets are Exhibit B. All exhibits are filed in the Director's Office of the Legislative Counsel Bureau (LCB) and are on the Legislative Commission's webpage at <http://www.leg.state.nv.us/Interim/78th2015/Committee/Interim/LC/?ID=2>. Items taken out of sequence during the meeting have been placed in agenda order.

PUBLIC COMMENT

Chair Roberson called for public comment.

Senator Hardy, previously identified, commented on R069-15 ([Exhibit C](#)), which compliments Senate Bill 416 (Chapter 395, *Statutes of Nevada 2015*) that pertains to decommissioned power plants. He referred to a decommissioned plant in Laughlin, Nevada, that had a \$1.2 billion tax base, which has been reduced to less than \$10 million. Senator Hardy stated the plant once employed 350 employees and 96 percent of the power generated went out of State. The plant is owned by four companies—one being NV Energy (NVE)—a minority partner. He said R069-15 addresses the concepts of: the rights of the host community and its ratepayers; who defines "used" or "useful"; and the difficulty in defining an in-State utility in order to establish whether the Public Utilities Commission of Nevada (PUCN) has jurisdiction. Senator Hardy explained Laughlin has been left with the waste generated by the coal-burning fuel plant, which was decommissioned in 2005, and it is a blight on the community. He said NVE has had difficulty motivating the other owners to come together in an effort to sell off the asset. He questioned what should be done when a utility company owns unproductive land and property and the ratepayers are left holding that property without the ability to remediate. Senator Hardy also questioned the purpose of the PUCN if it does not have the authority to regulate utility companies who own and/or operate a generating or former generating site. He said R069-15, as proposed, does not provide sufficient motivation for the owners to come together for remediation of their surplus assets. Senator Hardy said the issue with R069-15 is in the provisions pertaining to any electric company that creates a plan for timely cleanup and disposal of surplus assets and the method by which such a plan is carried out. He suggested postponing the regulation until it can be reworked.

Robert P. Bilbray, Strategic Development Advisor, Laughlin Economic Development Corporation, explained S.B. 416 has an economic development provision to help communities deal with decommissioned plants and provides an orderly method by which communities may plan the reintegration of decommissioned utility assets. Mr. Bilbray stated the majority of the assets are jointly or completely owned by out-of-state utility companies. He said if R069-15 is not amended, it will effectively gut the legislative intent of S.B. 416 because it only identifies utilities that supply electricity within Nevada; the intent was to regulate assets owned by out-of-state companies that generate electricity in Nevada regardless of where it is sold. Mr. Bilbray provided a redlined draft of R069-15 ([Exhibit D](#)) that addresses

the jurisdictional issue. He emphasized the profound effect unremediated utility properties have on communities, of which Laughlin is just one example. Mr. Bilbray warned of the potential of this occurring with other types of energy, such as wind, solar, or geothermal. Once those utilities become technologically obsolete, they close, and there is no mechanism in place to protect the host communities.

K. Neena Laxalt, lobbyist, Nevada Propane Dealers Association, Reno, Nevada, spoke regarding R116-15 ([Exhibit E](#)), which allows for the expansion of natural gas for economic development. She opined the PUCN did not believe it needed to write a small business impact statement when it submitted R116-15 because S.B. 151 (Chapter 59, *Statutes of Nevada 2015*) impacts the propane industry, not R116-15. As an example, Ms. Laxalt provided a breakdown of the estimated potential impact of R116-15 on the propane industry, in relation to residents, and small businesses in the Spring Creek area ([Exhibit F](#)), which totals approximately \$20 million.

Knight Allen, resident, Las Vegas, Nevada, commented on Senate Joint Resolution No. 13 (File No. 41, *Statutes of Nevada 2015*). He referred to a document titled S.J.R. 13 - Summary of County Questions and Comments (Summary) ([Exhibit G](#)) and questioned whether the wording of S.J.R. 13 had to be presented exactly as originally voted on in the 2015 Session.

Chair Roberson replied that if the Legislature wants to put an amendment on the ballot to amend the *Nevada Constitution*, the measure must pass in identical form two legislative sessions in a row and then it goes to ballot for a vote.

Mr. Allen said paragraph (b) of subsection 2 of Section 7 of the Summary is contrary to current law and creates a serious problem. He suggested the Commission give S.J.R. 13 further consideration before going into the market value business.

Trish Swain, Director, TrailSafe Nevada (TrailSafe), stated TrailSafe is opposed to R087-14 because it does not fulfill the intent of S.B. 213 (Chapter 231, *Statutes of Nevada 2013*). She said R087-14 eliminates Douglas County and areas of southern Nevada that had been earmarked for shorter trap visitation, in addition to other concerns. Ms. Swain stated TrailSafe emphatically requests no further meetings with the Board of Wildlife Commissioners, Department of Wildlife. She opined the intent of S.B. 213 was immediately obvious to the majority of people who abhor animal cruelty and mystifying to those people who do not share those convictions. TrailSafe provided a letter that outlines its questions, concerns, and objections regarding R087-14 ([Exhibit H](#)).

APPROVAL OF MINUTES OF THE FEBRUARY 19, 2016 MEETING—
Senator Michael Roberson, Chair

ASSEMBLYMAN STEWART MOVED APPROVAL OF THE
MINUTES OF THE FEBRUARY 19, 2016, MEETING.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED.

PROGRESS REPORT—Litigation Currently in Progress—Brenda J. Erdoes, Counsel

Kevin C. Powers, previously identified, provided a two-part update on cases in litigation.

Part 1:

1. In the case of *People's Legislature v. Miller*, which is a federal case challenging the constitutionality of Nevada's initiative and referendum process, the case is in the discovery phase in the federal district court, which will last until September 15, 2016.
2. In the case of *City of Fernley v. State, Dept. of Taxation*, 132 Nev. Adv. Op. 4, a published decision from the Supreme Court of Nevada (Supreme Court) was issued on January 14, 2016, in which the Supreme Court affirmed the district court's decision and upheld the constitutionality of the C-tax system. The Supreme Court found that: (1) the legislation was a general law and not a local or special law; (2) the different classifications for tax distribution under the C-tax system applied uniformly to all similarly situated local governmental entities; and (3) the Legislature had a legitimate governmental purpose in enacting the different tax classifications in order to encourage general purpose governments. Fernley argued that it had been singled out and was receiving insufficient C-tax distributions. But the Supreme Court agreed with the Legislature and the State's argument that there are methods under the C-tax statutes for Fernley to achieve greater C-tax distributions if it undertakes general purpose governmental services, such as police and fire protection, parks, roads, and recreation. The Supreme Court agreed with the argument that with that availability to Fernley, it was not being singled out and any governmental entity would be treated the same as Fernley. If the local governmental entities provide the general purpose governmental services, they would receive an increase in C-tax distributions. Because Fernley has not undertaken those general purpose governmental services but rather those services are being provided by Lyon County, Fernley is not entitled under the statutes to increased C-tax distributions. Therefore, the Supreme Court found those classifications created by the C-tax were constitutional and did not create a local or special law.

The case is closed and has been removed from the Legal Division's active litigation cases.

3. In the Catalyst Account case of *Little v. State of Nevada*, on January 5, 2016, the Supreme Court heard oral arguments in that case. At issue before the Supreme Court was whether the plaintiff had taxpayer standing to challenge the Catalyst Account statutes. The district court agreed with the Legislature that there was no taxpayer standing and the Supreme Court would resolve that issue. The parties are awaiting a decision.
4. In the Nevada Commission on Ethics (NCE) case, which involved the Assembly members whom ethics complaints had been brought against for requesting a legal opinion from the LCB, the district court agreed with the Legal Division's argument that requesting an LCB legal opinion is protected by legislative privilege and immunity and is outside the jurisdiction of the NCE. The NCE filed a notice of appeal but did not hold an open and public meeting before it approved that notice of appeal. As a result, the Legal Division filed an open meeting law (OML) complaint against the NCE and also filed a motion to dismiss the appeal for lack of appellate jurisdiction in the Supreme Court. Those items are pending. The briefing is complete for the motion to dismiss the appeal for lack of appellate jurisdiction. The parties are awaiting a decision from the Supreme Court. The OML complaint that was filed in the district court is stayed pending a decision from the Supreme Court on the motion to dismiss the appeal.
5. In the medical marijuana case, *Doe v. State ex rel. Legislature* in the Clark County district court, on February 5, 2016, the State district court entered an order granting the Legislature and the State's summary judgment motions and granting summary judgment on all causes of action and claims for relief alleged in the complaint. In particular, the State district court found that the plaintiff's federal constitutional claims that the medical marijuana registration program violated the due process and equal protection clauses failed as a matter of law because the Legislature had a rational purpose for enacting the registration program, and that program is rationally related to the legitimate purpose of protecting the health, safety, and welfare of the public. The district court also found that because there is no fundamental constitutional right to use medical marijuana, the State only needs a legitimate interest to regulate medical marijuana and does not have to meet the higher standard for regulating fundamental constitutional rights. The State district court also found that the medical marijuana registration did not violate the Fifth Amendment privilege against self-incrimination because the registration packet does not require an applicant to disclose incriminating information and the registration program is voluntary; therefore, there is no compulsion to create a self-incrimination problem under the Fifth Amendment. On February 22, 2016, the plaintiff filed a notice of appeal from the State district court's decision, and the parties are in the process of briefing that appeal.

6. In the case of *We Decide Coalition v. Secretary of State*, the plaintiffs were challenging the commerce tax that was enacted by S.B. 483 (Chapter 487, *Statutes of Nevada 2015*). The plaintiffs claimed the commerce tax violated the single subject rule in Article 4, Section 17 of the *Nevada Constitution* and that the commerce tax created an unconstitutional tax on personal income in violation of Article 10, Section 1 of the *Nevada Constitution*. The case was originally filed in the Clark County, Eighth Judicial District Court. The plaintiffs decided they did not want to litigate the case once it had been transferred to Carson City and voluntarily agreed to have it dismissed. However, because it was a voluntarily dismissed case, it was a dismissal without prejudice, and it is possible for the causes of action to be refiled in the Eighth Judicial District Court or in another district court.
7. In the case of *Fink v. Nelson*, which challenged the residency and ability of Erven T. Nelson, Assembly District No. 5, to serve during the 29th Special Session, on December 15, 2015, the State district court ruled from the bench that Assemblyman Nelson's residency qualifications could not be challenged because the future intention of a sitting legislator to relocate outside of his or her legislative district is not enough to disqualify the legislator from serving in a special session. On January 13, 2016, the State district court entered an order that encapsulated its decision from the bench; particularly, it held that an intention to move is not enough to disqualify a legislator if the legislator has not moved from his or her residence in his or her legislative district. On February 12, 2016, the plaintiff filed a notice of appeal with the Supreme Court, and the parties are in the process of briefing the appeal.

Part 2:

In the case of *The Board of Trustees of the Glazing Health and Welfare Trust v. Chambers* that involves S.B. 223 (Chapter 345, *Statutes of Nevada 2015*), a decision was issued by the federal district court on March 10, 2016. Mr. Powers provided background information on the bill:

- Before the enactment of S.B. 223, an action could be brought against a prime contractor to recover unpaid workers' benefits that a subcontractor failed to pay.
- Under S.B. 223, some of the requirements and procedures changed concerning an action against a prime contractor. Section 1 of S.B. 223 provided that a prime contractor was not liable for interest, liquidated damages, attorney fees, or costs resulting from a subcontractor's failure to pay those worker benefits. In addition, the prime contractor was not liable for unpaid workers' benefits by their subcontractors unless the prime contractor received notice from the plan that collected the benefits on behalf of the workers. Typically, workers in a collective bargaining agreement are represented by what is known as

a Taft-Hartley Trust, or other health or welfare benefit trust, that helps workers collect and maintain fringe benefits, such as health, pension, and training benefits from subcontractors. Senate Bill 223 required the trusts, also known under the Employee Retirement Income Security Act of 1974 as ERISA trusts, to provide notice to the prime contractors that there was a delinquency in benefits. If a trust did not provide a notice, the prime contractor would not be liable for the unpaid benefits.

- Prior to S.B. 223's enactment, the statute of limitations for bringing action against a prime contractor in Nevada was three years; the bill changed that to one year and it applied to all prime contractors.
- Senate Bill 223 also changed the process of obtaining a construction lien against a property for unpaid benefits. Section 3 provides that the lien would not cover interest, liquidated damages, attorney fees, or costs resulting from unpaid worker benefits. Section 4 provides that an ERISA-governed trust is required to provide notice to the property owner in order perfect and enforce a construction lien for unpaid benefits.

On September 11, 2015, several of the ERISA-governed trusts filed a lawsuit in federal district court against the Labor Commissioner (Commissioner), Office of Labor Commissioner, Department of Business and Industry, who is responsible for enforcing Nevada's labor laws. The plaintiffs alleged that S.B. 223, in its entirety, was preempted by ERISA, which contains an express preemption provision that preempts any and all State laws in so far as they may now or hereafter relate to any employment benefit plan governed by ERISA. Although ERISA has a broad preemption clause, it only preempts State laws relating to ERISA plans that interfere with the operation of ERISA trusts in a manner that falls outside of the historic State regulation of matters traditionally governed by State labor laws.

On March 10, 2016, the federal district court entered an order declaring S.B. 223 was preempted by ERISA. The court found that because S.B. 223 specifically referred to ERISA-governed trusts, it was designed to regulate relationships between ERISA-governed trusts and the contractors who entered into agreements to pay for worker benefits. The court found that because of the explicit reference to ERISA-governed trusts in S.B. 223, that was an indication that the State intended to regulate those relationships, which resulted in preemption under the preemption clause. The court also found there was an impermissible connection with the operation of an ERISA-governed trust because the legislation attempted to impose notice and reporting requirements on the trusts, which the court found imposed more than indirect economic benefits.

The federal district court questioned whether there were any portions of S.B. 223 that could be severed and saved from the ERISA preemption; however, it found that based upon the history of S.B. 223, all amended sections were intended

to work together, not independently, and the amendments could not stand on their own without the preemptive provisions. Therefore, the court concluded S.B. 223 could not be severed and saved and that it was, in its entirety, preempted and unenforceable, which meant the prior laws remained in effect in the form in which they existed prior to the enactment of the legislation.

On April 1, 2016, the Commissioner filed a notice of appeal to challenge the order before the United States Court of Appeals for the Ninth Circuit.

LEGISLATIVE COMMISSION POLICY:

A. Requests to Continue Administrative Regulations Not Adopted Within 2 Years After Submission to the Legislative Counsel (NRS 233B.040)

Rick Combs, previously identified, explained that according to statute, once a regulation has not been adopted within two years after it was proposed, the agency proposing the regulation is required to request the Commission's approval to extend the period for its adoption and to provide an explanation for the delay in adopting the regulation ([Exhibit I](#)).

Cody L. Phinney, M.P.H., Administrator, Division of Public and Behavioral Health (DPBH), Department of Health and Human Services (DHHS), stated the purpose of DPBH's attendance is to discuss the timeline required to complete regulation revisions for Chapters 457 ("Cancer") and 459 ("Hazardous Materials") of *Nevada Administrative Code*. She referred to the handout titled Chronology and History of R144-13RP4 ([Exhibit J](#)) and stated R144-13 had been submitted to the Legislature on December 4, 2013. Subsequently, numerous revisions had been made to the draft in response to input from the U.S. Nuclear Regulatory Commission (NRC) and industry stakeholders, which resulted in delays in scheduling the required public workshops. One of the revisions included a requirement for review by the LCB, which fell during the 2015 Legislative Session. The regulation ([Exhibit K](#)) was adopted by the State Board of Health, DPBH, DHHS, on March 11, 2016. The elapsed time from the regulation's initial submission to the adoption was two years and three months. Ms. Phinney said the DPBH has reviewed the process that took place for this regulation and has identified internal changes that will prevent delays in the adoption of future regulations.

Assemblyman Hansen expressed the concern that, if an extension is approved, it might set a precedent for other agencies.

Brenda J. Erdoes, previously identified, stated the Commission could make an exception to the regulation by considering the following factors and without setting a bad precedent: (1) the regulation is a public health issue; (2) the regulation is lengthy; (3) the additional time it took for the regulation to be reviewed by a federal

regulatory agency; and (4) the diligent work performed on the regulation by the DPBH.

Ms. Phinney stated the regulation is complete.

SENATOR KIECKHEFER MOVED APPROVAL OF THE REQUEST TO CONTINUE R144-13 BEYOND TWO YEARS PURSUANT TO NRS 233B.040.

ASSEMBLYMAN STEWART SECONDED THE MOTION.

THE MOTION CARRIED.

B. Review of Administrative Regulations—Brenda J. Erdoes, Legislative Counsel, Legal Division, LCB. A list of the regulations may be viewed at the following link: http://www.leg.state.nv.us/Register/IndexesRegsReviewed/LCMtg_List_2016_Apr4.pdf.

Referring to the list of State agency regulations to be reviewed by the Commission ([Exhibit L](#)), members asked Chair Roberson to hold the following regulations for discussion: R144-13, R045-15, R049-15, R069-15, R070-15, R091-15, R116-15, R087-14, and R088-14.

VICE CHAIR SETTELMAYER MOVED APPROVAL OF R039-14, R097-14, R101-14, R032-15, R033-15, R047-15, R048-15, R050-15, R071-15, R072-15, R073-15, R076-15, R078-15, R079-15, R090-15, R103-15, R105-15, R117-15, R124-15, R128-15, R130-15, AND R094-15.

ASSEMBLYMAN SILBERKRAUS SECONDED THE MOTION.

THE MOTION CARRIED.

Regulation 049-15

A REGULATION relating to motor vehicles; increasing certain fees charged by the Department of Motor Vehicles for the provision of expedited service permits; providing for the issuance of commercial learners' permits; revising provisions relating to the training of drivers of commercial motor vehicles; consolidating and reorganizing provisions allowing third parties to certify the driving ability of certain drivers; revising the conditions under which the Department will not issue a restricted driver's license to a person who has had his or her license suspended or revoked; allowing a firefighter, and certain other persons, to obtain an endorsement to operate certain commercial motor vehicles in the course of his or her official duties without a Class A or Class B driver's license; and providing other matters properly relating thereto ([Exhibit M](#)).

Jude Hurin, Administrator, Division of Management Services and Programs, Department of Motor Vehicles (DMV), stated R049-15 is a result of the Federal Motor Carrier Safety Administration (FMCSA), U.S. Department of Transportation, nationwide requirements to amend the knowledge and skills test standards for commercial drivers' licenses and for the issuance of commercial learners' permits. He said there is a core challenge in the regulation due to a federal requirement that requires each certifier within a commercial motor vehicle program to have at least ten certification tests per year. If that requirement is not met, the certifier must be revoked; however, there is an exceptions process to that requirement. Regulation 049-15 allows for the DMV to create an internal exceptions policy program to allow for the review of considerations should a certifier not meet the required ten certifications per year; it is the DMV's intent to work with all stakeholders to build the policy.

Mr. Hurin stated the DMV did not put the federal policy into regulation because, in their opinion, it was not necessary to be that specific and that it would be a DMV policy program. The program would include an appeals process should someone disagree with a denial based on the criteria. He explained the DMV has not yet built the program because it was unsure whether the Commission would require the DMV to provide the federal exception, regardless of the federal process not being mandatory. The only reason the DMV did not go with the federal exceptions process is because it provides a huge, negative resource issue for the DMV. Presently, when the DMV audits a company, it audits one certifier. Under federal regulations, the DMV would be required to audit all of a company's certifiers, which does not include State examiners, as well as covert and overt audits. Mr. Hurin stated the intent of the federal ten-tests requirement is to ensure certifiers are not performing an insufficient number of tests, which diminishes skills sets after a period. The DMV desires certifiers who are up to date in performing those tests. In the opinion of the DMV, the compromise in R049-15's proposed language will meet those requirements and the commitment from the DMV to work with stakeholders in building the program.

Vice Chair Settlemeyer said he was also concerned about the drain on the DMV's resources should it be required to adhere to the federal requirements and was pleased that the DMV is proposing to build an exceptions program.

Paul J. Enos, Chief Executive Officer, Nevada Trucking Association (NTA), stated the NTA initially was in favor of the DMV adhering to the federal exceptions policy but after hearing Mr. Hurin's testimony, the NTA is confident in the DMV's intent to create an exception process allowed under the FMCSA and the NTA looks forward to working with the DMV regarding the process.

Assemblyman Hansen expressed concern with the constant expansion of regulations and the impact they have on small businesses, noting the size of R049-15. He said that initially he was not going to support R049-15, however, it

appears that the DMV and the stakeholders, such as the NTA, have worked out a solution. Assemblyman Hansen stated he will support R049-15 and that he is relying on the NTA's recommendation.

Assemblywoman Benitez Thompson questioned the license fee increases for the general population in R049-15 and the last time they had been increased.

Vice Chair Settlemeyer responded there was a \$1 increase to each license during the Commission's passing of a previous regulation in which these licenses had been overlooked and the increase in R049-15 is cleanup language.

Mr. Hurin concurred with Vice Chair Settlemeyer's assessment.

VICE CHAIR SETTELMAYER MOVED APPROVAL OF R049-15.

ASSEMBLYMAN STEWART SECONDED THE MOTION.

THE MOTION CARRIED.

Regulation 069-15

A REGULATION relating to utilities; requiring a utility under certain circumstances to include in a plan to increase its supply of electricity or decrease the demands made on its system by its customers certain information concerning certain assets owned by the utility; and providing other matters properly relating thereto ([Exhibit C](#)).

Donald J. Lomoljo, Utilities Hearing Officer, PUCN, stated R069-15 promulgates the provisions of S.B. 416 (Chapter 395, *Statutes of Nevada 2015*). He said he will address the concerns of Senator Hardy and Robert P. Bilbray, previously identified, heard during the first public comment. Mr. Lomoljo stated S.B. 416 contains a new requirement for out-of-state utilities, both jurisdictional and nonjurisdictional to the PUCN, that hold generation assets in Nevada to file a list of those assets with the PUCN. The reason the nonjurisdictional utilities are not included in R069-15 is that the requirements for those utilities are clearly spelled out in statute. Jurisdictional utilities are included in R069-15 because those utilities are required to file a resource plan with the PUCN, which includes their list of generation assets. The PUCN already has regulations detailing the content of resource plans, which needed to be amended to include jurisdictional utilities.

Vice Chair Settlemeyer acknowledged the complexity of the issue and expressed appreciation for the work that has been done thus far on R069-15; however, he suggested there be more discussion among the sponsor of S.B. 416, the PUCN, NVE, and others. Vice Chair Settlemeyer recommended moving R069-15 to the next agenda or to deny it and send it back through the process for a more robust solution.

Chair Roberson agreed to defer R069-15 and encouraged the PUCN to work with the sponsor of S.B. 416 before bringing it back before the Commission. He said a motion to defer was unnecessary.

Regulation 045-15

A REGULATION relating to optometry; revising provisions governing the treatment of persons diagnosed with glaucoma; and providing other matters properly relating thereto ([Exhibit N](#)).

Louis Ling, Esq., Board Counsel, Nevada State Board of Optometry (NSBO), said the NSBO was approached by the Nevada Optometric Association to assist in correcting what was a hindrance to optometrists achieving their certification to treat patients with glaucoma. The law requires optometrists who are training for certification to treat glaucoma patients to work with an ophthalmologist and to monitor 15 patients over a 12-month period. He said the regulation was requiring optometrists to see those patients in four-month intervals. This was a difficult schedule to maintain because patients often were not available during that period, would fall out of the program, and the optometrist had to start over. Testimony before the NSBO revealed the certification process was taking years to complete. Through R045-15, the NSBO has eliminated the four month schedule and substituted it with language that relies upon the professional judgment of the ophthalmologist and optometrist.

Assemblyman Stewart said he agrees with the general intent of R045-15. He suggested it be deferred for additional evaluation until the next Commission meeting and after the next meeting of the Legislative Committee on Health Care (NRS 439B.200) (LCHC).

Chair Roberson and Senator Ford agreed with Assemblyman Stewart's recommendation. Senator Ford said he would also like to hear an ophthalmologist's point of view at the next Commission meeting.

Chair Roberson deferred R045-15 until it has been reviewed by the LCHC and brought again before the Commission.

Regulation 144-13

A REGULATION relating to the control of radiation; prescribing certain disciplinary actions that the Division of Public and Behavioral Health of the Department of Health and Human Services is authorized to take against an applicant for or holder of a license or registration authorizing the possession and use of radioactive materials; requiring certain applicants for such a license to appoint a radiation safety officer; prescribing the training and experience requirements for such radiation safety officers; adopting by reference certain federal regulations; requiring certain applicants for a license or renewal of a license authorizing the possession and use of radioactive materials to report additional details with

regard to the cost estimate for decommissioning; requiring certain licensees to conduct operations to minimize the introduction of residual radioactivity into an area; requiring certain licensees and registrants to perform surveys as necessary to determine whether subsurface residual radioactivity is present and to retain records of those surveys; prescribing the fee for certain specific licenses for the use or possession of radioactive materials; and providing other matters properly relating thereto ([Exhibit K](#)).

Assemblyman Hansen commented that the fines on pages 9 and 10 of R144-13, which could potentially be applied on a daily basis, were substantial. He questioned whether judicial review concerning the fines was included in the regulation for individuals accused of certain crimes.

Karen K. Beckley, M.P.A., M.S., Manager, Radiation Control Program, DPBH, DHHS, stated the DPBH worked with the industry regarding these concerns. She said the LCB has an errata sheet that stipulates the criteria used by the DPBH for issuing fines and penalties. There is also an administrative appeal process pertaining to administered or proposed fines that is adjudicated in conjunction with administrators and legal counsel assigned to the DPBH.

Ms. Erdoes answered Assemblyman Hansen's question that once a person receives a final determination to an appealed decision, the action can be challenged in court.

Ms. Beckley replied to Vice Chair Settelmeyer's question that the certification costs depend on how a professional is using a device and/or how the operation is being conducted.

Ms. Erdoes confirmed for Senator Ford that an appeal of fines would follow under Chapter 233B ("Nevada Administrative Procedure Act"[APA]) of NRS.

Conversation ensued between Ms. Beckley, Senator Ford, and Senator Kieckhefer regarding paragraph (f) of subsection 2 of Section 91 of R144-13. Ms. Beckley confirmed the section does not specifically apply to the Yucca Mountain Nuclear Waste Repository, rather it pertains to the burial of nuclear waste at various locations throughout the country. She said the language is a requirement by the NRC, regardless of Nevada's political position concerning the storage of nuclear waste. Ms. Beckley explained that Nevada is federally required to maintain compatible regulations with the NRC, which is why the NRC reviews Nevada's regulatory process. If Nevada's position concerning the storage of nuclear waste was challenged, it would have to take issue with the NRC on the implementation of that regulation. She clarified that regardless of the adoption of regulations and because Nevada is an "agreement state," any regulation, of which the NRC determines Nevada must comply, may be challenged. Nevada may determine the applicability, such as how documents are protected and which ones would be released. In some cases, because there are various levels of compatibility, this may

or may not be a level of compatibility that must be exact. It may just have an end result, which means the waste may be able to be buried elsewhere and Nevada may not be required to implement the regulation. Ms. Beckley stated there are various compatibility levels that determine how close the DPBH regulations must be with the NRC; some are word-for-word and others are in theory.

Ms. Beckley confirmed Senator Ford's surmising that adoption of the regulation does not imply acquiescence to an ultimate decision or philosophy from the federal government that Nevada will deposit nuclear waste. Rather, Nevada has an alternative to challenge that assertion. The State is simply complying with current requirements that its regulations comport with federal regulations. She stated if Nevada were to not adopt R144-13 and Nevada's regulations were to fall out of comportment with the federal regulations, Nevada could be subject to heightened oversight from the NRC. Nevada has not had these types of problems, but other states have sued the NRC over compatibility requirements concerning issues they determined are not in their best interest. Ms. Beckley said if the depositing of nuclear waste in Nevada were to become a point of contention, an assessment would need to be made of what is in the best interest of the State and then a plan of action to address the issue would be determined. She said the State may not have to go to those lengths. With some states, the NRC has acquiesced the requirement, which resulted in those states not having to implement the regulations.

Senator Kieckhefer said he will be voting no on R144-13 because he does not have a solid understanding of the dynamics of the relationship between the NRC and Nevada.

Chair Roberson agreed with Assemblyman Hansen's suggestion to defer R144-13 until another Commission meeting in order to provide ample opportunity for it to be fully vetted.

Regulation 091-15

A REGULATION relating to nursing; making various changes to the recording and reporting requirements of a licensed practical nurse; making various changes to the competencies required of a registered nurse; revising provisions relating to procedures delegable and not delegable to licensed practical nurses; making various changes to the requirements for a course in intravenous therapy; and providing other matters properly relating thereto ([Exhibit O](#)).

Conversation ensued between Cathy Dinauer, M.S.N., R.N., Executive Director, State Board of Nursing, and Assemblyman Hansen who questioned the meaning of the language in paragraph (b) of subsection 2 of Section of R091-15, "Synthesizing the biological, psychological and social aspects of the patient's condition," as it pertains to the demonstration of competency of a nurse in performing certain

duties. Ms. Dinauer said it is the collecting of data and information by a licensed practical nurse who has been trained to make an appropriate assessment.

Assemblyman Hansen said Ms. Dinauer's explanation was simple but the language makes it sound complicated. He expressed concern that often language in a regulation tries to limit the pool of persons who may participate in a program in order to keep the prices elevated. Ms. Dinauer assured Assemblyman Hansen that if such verbiage were to be on an exam, it would not be perplexing for the student.

ASSEMBLYMAN HANSEN MOVED APPROVAL OF R091-15.

ASSEMBLYMAN STEWART SECONDED THE MOTION.

THE MOTION CARRIED.

Regulation 116-15

A REGULATION relating to utilities; establishing the required contents of an application for a gas infrastructure expansion activity; authorizing the amendment of a certificate of public convenience and necessity to include an area in a proposed gas infrastructure expansion activity; requiring a public utility to provide certain notices of a gas infrastructure expansion application; establishing certain requirements governing rates and the recovery of certain costs associated with a gas infrastructure expansion activity; requiring a public utility to seek a determination of prudence for certain costs associated with a gas infrastructure expansion activity; requiring a public utility to file certain annual status reports for a gas infrastructure expansion activity; and providing other matters properly relating thereto ([Exhibit E](#)).

Assemblyman Hansen stated R116-15 does not meet the fundamental requirements of paragraph (a) of subsection 2 of NRS 233B.0609 as follows:

A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

He said the PUCN adopted the Delphi method, which means PUCN staff determine whether the regulation will impact small businesses. The problem is not the regulation itself but rather the failure to ensure it has been adequately vetted on behalf of the people for whom it will impact. Without input from the propane industry, the Delphi method does not meet the fundamental requirements of Chapter 233B of NRS.

Mr. Lomoljo stated the PUCN has a different interpretation of NRS 233B.0609 in terms of the small business impact analysis. He said subsections 1 and 2 of

NRS 233B.0608 require the agency conducting the rulemaking to make a concerted effort to determine whether the proposed regulation is likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. Mr. Lomoljo said that is what the PUCN does under the Delphi method, which is to conduct an internal discussion of the regulation and the impact. Subsection 2 of NRS 233B.0608 states if the analysis shows that the regulation is likely to impose a direct and significant economic burden upon a small business, a small business impact analysis and a survey are to be conducted. The PUCN did not find that R116-15 was likely to impose such a burden; therefore, it did not move to the second stage of that analysis, which would have required a survey of small businesses.

Assemblyman Hansen argued the PUCN did not make a concerted effort to determine whether the proposed regulation is likely to impose a direct and significant economic burden on small businesses. The propane companies clearly have a strong interest in R116-15, yet they have not been contacted regarding its potential impact. He expressed concern that the Delphi method uses PUCN staff as selected experts to determine the impact of a regulation. He opined that the points brought up during public testimony concerning R116-15 are legitimate, and the PUCN should be required to follow the APA by contacting small businesses that could dramatically be impacted by the regulation. Assemblyman Hansen suggested deferring R116-15 until the PUCN properly complies with legislative intent and it can provide specifics of the impact on small businesses.

Discussion ensued between Vice Chair Settlemeyer and Mr. Lomoljo concerning whether there were pending, time-sensitive issues for which R116-15 might be utilized. Mr. Lomoljo said that during the 2015 Special Session, the Faraday Future (Faraday) project at the Apex Industrial Park was envisioned for this process. Vice Chair Settlemeyer stressed the need to strike a delicate balance between consumers and small businesses regarding gas and propane.

Senator Ford surmised R116-15 does not address Assemblyman Hansen's concerns regarding the PUCN's use of the Delphi method.

Assemblyman Hansen pointed out that one of the main purposes of the Commission is to ensure regulations are carefully vetted concerning their impact on small businesses and that the PUCN has bypassed that step by using the Delphi method. He said he is not opposed to expanding access to natural gas; however, regarding R116-15, he is concerned about the subsidy aspect. Assemblyman Hansen advocated holding the PUCN to the strictest standards of the APA in order to protect small businesses.

Senator Ford stated he is unsure whether the concerns Assemblyman Hansen raises about the PUCN's Delphi method are addressed or affected by R116-15 and

queried how not passing R116-15 would affect Assemblyman Hansen's concerns. He also said the APA speaks for itself, and if the PUCN is not complying with the APA, it will be revealed in an appeal to the judiciary, and the regulation will be struck down.

Assemblyman Hansen commented the regulation had something to do with Faraday, so there is a bigger interest involved than protecting the little folks of Spring Creek, Nevada. He stressed the importance of the Commission ensuring agencies comply with the APA concerning regulations and to not allow it to be circumvented.

SENATOR FORD MOVED APPROVAL OF R116-15.

SENATOR ATKINSON SECONDED THE MOTION.

ASSEMBLYMAN HANSEN VOTED NO. THE MOTION CARRIED.

Regulation 087-14

A REGULATION relating to trapping; increasing the required frequency of visitation to certain traps, snares or similar devices used in the taking of wild mammals; and providing other matters properly relating thereto ([Exhibit P](#)).

Assemblyman Hansen stated he was in agreement with public testimony offered at the February 19, 2016, Commission meeting concerning arguments against the passage of R087-14. He suggested deferring R087-14 until animal rights activists, particularly Clark County residents, could come up with improved provisions. Assemblyman Hansen said he attended most of the hearings regarding the regulation and there was overwhelming opposition to the regulation from all parties.

Senator Ford recalled S.B. Bill 213, which R087-14 is an attempt to implement, does not sufficiently address concerns relating to the visitation and registration of traps. He asked whether the registration of traps has been dealt with.

Jack Robb, Deputy Director, Nevada's Department of Wildlife, NDOW, said NDOW dealt with the registration; however, with changes during the 2015 Session, those conclusions were made null and void.

Senator Ford asked for an explanation of how R087-14 fulfills the requirements of S.B. 213 concerning trap visitation, specifically in urban and rural areas.

Mr. Robb stated R087-14 was vetted multiple times in Elko, Las Vegas, and Reno resulting in over 80 hours of deliberations by the Tracking Regulations Committee and over 6 hours of testimony before the Board of Wildlife Commissioners (BWC), NDOW, deliberation and public testimony. He said R087-14 is a result of those meetings, and nobody is in agreement. The animal activists indicated the

regulation did not go far enough; they wanted a shorter timeframe than 96 hours and in a broader area. The trappers wanted a smaller area. There was no compromise on either side. The decision concerning the maps was put back on to the BWC and the Trapping Regulations Committee.

Senator Ford questioned the units as described in R087-14 concerning visitation.

Mr. Robb explained that units 193, 194, and 195 are a setback around the urban interface in northern Nevada that would require trap visitation once every other calendar day; the current regulation is 96 hours statewide. He said in the Las Vegas vicinity, the firearm discharge area surrounds the Las Vegas Valley, which is defined in the 2013 map by Clark County. Mr. Robb confirmed the regulation shortens the timeframe for checking traps around the Las Vegas metro area as well. He stated TrailSafe Nevada and animal activists wanted areas in Elko County, State parks, and known landmarks to have shortened trap visitation. The trappers were of the opinion that the setbacks agreed upon during the 2015 Session, with trails around Clark and Washoe Counties, sufficed without additional regulations. He confirmed both parties are in opposition to passing R087-14. Mr. Robb said R087-14 is a result of the BWC and the Trapping Regulations Committee trying their best to accommodate all parties, which was very difficult.

Chair Roberson commented that the Commission is not the appropriate forum in which to redraft and argue the merits of legislation. He opined the question is whether R087-14 is consistent with legislation passed in 2015.

Assemblyman Hansen stated R087-14 does fit with legislative intent. He said the contention is not only between animal rights activists and trappers, but every county advisory board voted against the regulation as well as many coalitions and groups who would be impacted by it. Assemblyman Hansen conjectured the regulation could be improved.

Before the vote, Senator Ford commented that R087-14 has been pending since the end of the 2013 Session and it comports with legislative intent. The fact that interested parties cannot agree on the regulation weighs heavily because it demonstrates the intent and effort of the BWC to arrive at a happy medium. He strongly encouraged the Commission to support R087-14; otherwise, it will come up again during the 2017 Session, and he does not anticipate anything changing between now and then.

SENATOR FORD MOVED APPROVAL OF R087-14.

ASSEMBLYWOMAN BUSTAMANTE ADAMS SECONDED
THE MOTION.

ASSEMBLYMAN HANSEN VOTED NO. THE MOTION CARRIED.

Regulation 088-14

A REGULATION relating to wildlife; increasing the number of demerit points that the Department of Wildlife must assess for certain wildlife violations; expanding the wildlife violations for which the Department must assess demerit points; and providing other matters properly relating thereto ([Exhibit Q](#)).

Assemblyman Hansen said he was involved in drafting the language that went into Assembly Bill 537 (Chapter 358, *Statutes of Nevada 1995*), which created the demerit points system; therefore, he knows the bill's intent. He provided an illustration of how the demerit points system can have a dramatic and negative impact on a person's life by describing the personal experience of a family member. Assemblyman Hansen's brother-in-law, who is a Boy Scout master, was floating down the South Fork reservoir to Battle Mountain with his troop. During the course of the float, they encountered a barbed wire fence stretched across the Humboldt River. When they exited the water onto land, they were accosted by the landowner who accused them of willful and intentional trespassing. If they had been cited, and this regulation had been in place, they would have received nine demerit points.

Assemblyman Hansen explained that the intent of the DPS was to be fair and take into consideration extenuating circumstances; R088-14 does not allow for that. The demerits are padded to the prosecution side of the issue, pointing out that NDOW representatives are the prosecution when it comes to issuing demerit points. Assemblyman Hansen stressed the importance of being very fair when administering a demerit points system. The existing demerit structure was worked out after many months of extensive discussions in an attempt to devise a fair and reasonable system. He is concerned that R088-14 automatically imposes a nine-point penalty for trespassing without taking extenuating circumstances into consideration. Under R088-14, a person with the minimum penalty of three demerit points, can lose his or her license to hunt, fish, or trap for up to two years. He said there is a reason the current system has been in existence for 20 years and that it works just fine. In addition, Assemblyman Hansen said only two trespassing tickets have been issued in relation to the demerit points system in the last five years, which indicates there is no need to enhance the penalties. Assemblyman Hansen urged caution when reviewing the system, and to take into consideration its history and legislative intent.

Mr. Robb said many of the attendees during the Trapping Regulations Committee meetings were there because their companion animals were being trapped on private property by trespassers. Additional examples of trespassing were brought to the BWC's attention, such as willful trespassing, shooting deer in cultivated fields, shooting toward occupied residents, et cetera, where the trespassers received only a three-point demerit citation, yet it was clear their actions were willful and neglectful. With all things considered, the BWC decided to increase the demerit points.

Tyler Turnipseed, Chief Game Warden, NDOW, explained that R088-14 would not apply to the Humboldt River example but rather would apply to hunting, fishing, or trapping on private property without permission. A simple trespass does not carry any demerits; in fact, there is no such thing as an "accidental trespassing." He said NRS 503.240 speaks to hunting, fishing, or trapping on private property where the person has been warned by the owner or occupant not to trespass in the manner prescribed in NRS 207.200, or where signs are displayed forbidding hunting or trapping without permission. Mr. Turnipseed stated NRS 207.200 is the trespass law that addresses intentional trespassing after having been warned.

Conversation ensued between Vice Chair Settlemeyer and Mr. Turnipseed whereby Mr. Turnipseed clarified that paragraph (a) of subsection 5 of NRS 207.200 specifically excludes a barrier made of barbed wire from the definition of the term "fence." Vice Chair Settlemeyer expressed concern that a trespasser could cross his barbed wire fence, come onto his property, and shoot an animal without him having any recourse. He suggested this point will be addressed during the 2017 Session and he supports raising the penalty for people who willfully trespass.

Mr. Turnipseed confirmed for Senator Kieckhefer that it is lawful to construct barbed wire across navigable water.

Assemblyman Hansen presented a scenario where if someone is fishing on nonnavigable water, and, after being warned by the landowner, his or her foot touches the ground under the water, that person could potentially be cited for intentional trespassing. He explained the reason barbed wire fences are not included in the definition of the term "fence" is because barbed wire fences are stretched throughout Nevada by the State. Therefore, a rancher only needs to post a "no trespassing" sign on a barbed wire fence every 200 feet to prevent willful trespassing. Assemblyman Hansen said it is important to recognize that the Nevada Farm Bureau Federation, the Nevada Cattlemen's Association, the Nevada Wool Growers Association in Spring Creek Nevada (NV), as well as every advisory board and the sportsmen's organizations in Nevada oppose R088-14. He emphasized the law already provides for reasonable levels of punishment for consistent and willful trespassing violations. The problem with the demerit points system is that no extenuating circumstances are allowed; the maximum penalties apply in every situation. He urged the Commission to keep

to legislative intent in place, which he opined is adequate to ensure people who intentionally violate the law are adequately punished.

Senator Kieckhefer opined that the nine-demerit penalty only applies if a person is trapping on private property without permission, not if the person is simply standing on it.

Assemblyman Hansen stated that in the scenario of a person fishing on nonnavigable water, R088-15 would apply, and that is why people who fish oppose the regulation.

Assemblyman Stewart stated he agrees with Assemblyman Hansen's position.

Chair Roberson asked whether any of the members wanted to make a motion to pass R088-14; however, no motion was made. Chair Roberson deferred R088-14 until the next Commission meeting.

Chair Roberson noted that R049-14 had not been included in the list of regulations that were approved without testimony under Agenda Item V.B.

Vice Chair Settelmeyer stated R049-14 ([Exhibit R](#)) was not on his original list of regulations he requested to be approved; however, he had reviewed the regulation and opined it was a good compromise.

VICE CHAIR SETTELMEYER MOVED APPROVAL OF R049-14.

ASSEMBLYMAN STEWART SECONDED THE MOTION.

THE MOTION CARRIED.

Regulation R070-15

A REGULATION relating to telecommunications; revising provisions relating to the establishment of the amount of the surcharge on certain telephone services to fund a program to provide devices for telecommunication or other assistive technology to persons who are deaf or have severely impaired speech or hearing; and providing other matters properly relating thereto ([Exhibit S](#)).

Senator Denis questioned the PUCN's method of determining the surcharge amount collected for the development and administration of the program to provide devices for telecommunication or other assistive technology to persons who are deaf or have severely impaired speech or hearing and to fund centers to provide various services for such persons.

Mr. Lomoljo said the rate is based upon the program budget set by the Aging and Disability Services Division, DHHS.

SENATOR DENIS MOVED APPROVAL OF R070-15.

SENATOR FORD SECONDED THE MOTION.

THE MOTION CARRIED.

C. Approval of Policy on Service Animals and Service Animals in Training—
Risa B. Lang, Chief Deputy Legislative Counsel

Risa B. Lang, previously identified, referred to the document titled Policy on Service Animals and Service Animals in Training ([Exhibit T](#)), which is proposed for inclusion in the Nevada Legislative Manual and for posting on the LCB website. She said the policy acknowledges the rights and responsibilities of people who bring service animals and service animals in training into the Legislative Building and other buildings of the LCB. The policy tracks the Americans With Disabilities Act of 1990 with respect to service animals and Nevada’s law regarding service animals in training.

ASSEMBLYMAN SILBERKRAUS MOVED APPROVAL OF THE
POLICY ON SERVICE ANIMALS AND SERVICE ANIMALS IN
TRAINING.

SENATOR ATKINSON SECONDED THE MOTION.

THE MOTION CARRIED.

**APPOINTMENTS OF MEMBERS TO COMMITTEES AND APPROVAL OF
BUDGETS**—Rick Combs, Director

A. Appointments to Ongoing Statutory Committees

1. Subcommittee to Review Regulations (NRS 233B.067)

Chair Roberson asked for a nomination to the Legislative Commission’s Subcommittee to Review Regulations (Subcommittee) ([Exhibit U](#)) as a result of the resignation by Erven T. Nelson, Assembly District No. 5.

VICE CHAIR SETTELMAYER MOVED APPROVAL TO
APPOINT ASSEMBLYMAN HANSEN TO THE LEGISLATIVE
COMMISSION’S SUBCOMMITTEE TO REVIEW REGULATIONS.

SENATOR KIECKHEFER SECONDED THE MOTION.

SENATOR ATKINSON, SENATOR DENIS, SENATOR FORD,
ASSEMBLYWOMAN BUSTAMANTE ADAMS, ASSEMBLYMAN
ARAUJO, AND ASSEMBLYWOMAN BENITEZ-THOMPSON
VOTED NO. THE MOTION FAILED.

ASSEMBLYMAN STEWART MOVED APPROVAL TO APPOINT PHILIP "P.K." O'NEILL, ASSEMBLY DISTRICT NO. 40, TO THE LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO REVIEW REGULATIONS.

ASSEMBLYMAN SILBERKRAUS SECONDED THE MOTION.

SENATOR ATKINSON, SENATOR DENIS, SENATOR FORD, ASSEMBLYWOMAN BUSTAMANTE ADAMS, ASSEMBLYMAN ARAUJO, AND ASSEMBLYWOMAN BENITEZ-THOMPSON VOTED NO. THE MOTION FAILED.

Vice Chair Settlemeyer expressed concern over the vote and noted that the Commission is simply filling the vacancy of a Republican Assembly member. He suggested discussion on the matter, but if not, he nominated Assemblyman Stewart.

Chair Roberson agreed with Vice Chair Settlemeyer noting the vote is highly irregular and a dramatic departure from past practice. Referring to the vacancy left on the Commission by the resignation of Marilyn Kirkpatrick, Assembly District No. 1, Chair, Commission, he reminded the members that the Republicans on the Commission were pleased to appoint Tyrone Thompson, Assembly District No. 17, to that position. He said when the 2015 Interim began in late May 2015, Chair Kirkpatrick and he, as incoming Chair, agreed that the Subcommittee would be split the same as it had in the past, which is four members of the majority party and three members of the minority party. He asked for an explanation for the departure from past practice.

Senator Atkinson stated a lot of things have happened since the appointment of Assemblyman Thompson, which have caused some members of the Commission to be distrustful. He said members had asked for the opportunity to discuss the matter prior to the meeting; however, they were not given that opportunity, as they also have not been given similar opportunities in the past, particularly on the last day of the 2015 Special Session.

Chair Roberson stated he thought this appointment would be noncontroversial, and his understanding was Paul D. Anderson, Assembly District No. 13, Majority Floor Leader, had indicated his wishes regarding this appointment to both Democratic Senate leaders. He said that until this morning, it was his understanding that everyone was in agreement that a Republican would be appointed to the Subcommittee, and he still does not understand the departure from past practice. This is not a controversial issue and this is how it has been every session that he has been with the Legislature—that whichever party controls the Legislature has extra members on the Subcommittee. Chair Roberson

questioned whether the other members were going to oppose every nominated Republican or just Assemblyman Hansen and Assemblyman O'Neill.

Senator Ford stated the issue is not about any of the individuals who are eligible for appointment but rather it is about trust and past occurrences, recalling specific situations regarding to the voucher bills and a resolution that was sprung upon members on the last day of the 2015 Special Session. He said it does not mean work cannot get done but rather the work will need to be conducted with a higher level of bipartisanship.

Chair Roberson replied he was not aware of any complaints regarding his chairmanship of the Commission. He said the Education Savings Account (ESA) program's regulation had to go through the Subcommittee because the Commission did not receive it until mid to late December 2015. There was not enough time to schedule a legislative hearing, and the regulation needed to be passed by the end of month. That specifically demonstrates the importance of the Subcommittee so that it can handle things on short notice. Chair Roberson stated he did not recall Senator Ford, or anyone else, complaining about the process at that time.

Senator Ford said Chair Roberson was not on the Subcommittee and that complaints were expressed during the Subcommittee meeting regarding the manner in which the ESA regulation had been handled. He indicated the ESA regulation should have been brought before the Commission.

Chair Roberson stated bringing the ESA regulation before the Commission would have caused a problem for the administrator of the program. He said there is an injunction on the program while the courts are dealing with legal issues now, but the Office of the Treasurer needed the regulation approved by the end of 2015, which is the reason the Subcommittee convened. Chair Roberson recounted during the 2011 Session, that Senate Majority Leader, Steven A. Horsford, Senate District No. 4, tried to pass election-related regulations multiple times through the Commission, but he could not get the required votes. Therefore, on the night of December 29, 2011, the Majority Leader called a subcommittee to pass the regulation, demonstrating that the same types of actions have been taken in the past by both political parties.

Assemblywoman Bustamante Adams reiterated that the position of the members is not based on the individuals in the Assembly, and there are other appointments the Commission could make today.

Assemblyman Hansen commented he did not take the vote personally, but he is disappointed. He said he has been on the Commission three times, and he worked very closely with Chair Kirkpatrick to ensure there was complete bipartisanship, including the Subcommittee membership. Assemblyman Hansen is aware of regulations that should have come before the full Commission that were channeled

to the Subcommittee. The idea that these types of situations are unique to Republicans, if that is what occurred, is nonsense. He stated it sets a bad precedent, and he has always treated everybody fairly and to the best of his ability. Assemblyman Hansen cautioned that going forward, the Commission will still be six to six, and there will be times when items are blocked when they should not be due to what occurred today. He urged his colleagues to reconsider their actions in an effort to avoid bipartisanship while noting the benefits of working together for the good of the State.

Senator Ford noted the vote does not preclude the Commission from working together; it keeps an equal balance on the Subcommittee in an effort to prevent certain types of situations from recurring.

Chair Roberson said the Commission will move on, but he reserves the right to readdress the item at the next meeting.

2. Legislative Committee on Energy (NRS 218E.805)

Chair Roberson stated that as an informational item ([Exhibit V](#)), John Hambrick, Assembly District No. 2, Speaker, had appointed Stephen H. Silberkruas, Assembly District No. 29, to replace Erven T. Nelson, Assembly District No. 5, as member of the Legislative Committee on Energy (LCE). He said a vote for the chair of the LCE is on the agenda and would be discussed later.

B. Appointments to Nonlegislative Committees

1. Nevada Commission on Minority Affairs (NRS 232.852)

Rick Combs, previously identified, stated members of the Nevada Commission on Minority Affairs (NCMA), Department of Business and Industry, are recommended by the Ombudsman of Consumer Affairs for Minorities, Miriam Lira-Hickerson. The three following individuals ([Exhibit W](#)) have been recommended for consideration in filling three of four vacancies on the NCMA:

- Amarpreet Chadha (current member eligible for reappointment);
- Dr. Yolanda Flores, M.D.; and
- Berna L. Rhodes-Ford, Esq.

Senator Ford recused himself from the vote because he and Ms. Rhodes-Ford are married.

ASSEMBLYWOMAN BUSTAMANTE ADAMS MOVED APPROVAL TO APPOINT AMARPREET CHADHA, DR. YOLANDA FLORES, M.D., AND BERNA L. RHODES-FORD, ESQ. TO THE NEVADA COMMISSION ON MINORITY AFFAIRS.

ASSEMBLYMAN ARAUJO SECONDED THE MOTION.

SENATOR FORD DID NOT VOTE. THE MOTION CARRIED.

2. Nevada Silver Haired Legislative Forum (NRS 427A.330)

Mr. Combs referred to a memorandum dated March 16, 2016 ([Exhibit X](#)) from Mary Shope, Coordinator, Nevada Silver Haired Legislative Forum (NSHLF) indicating Senator Settlemeyer has requested the appointment of Carol A. Swanson to the NSHLF representing Senate District No. 17.

Vice Chair Settlemeyer stated that, as required, he consulted with both of his Assembly members.

VICE CHAIR SETTELMAYER MOVED APPROVAL OF THE APPOINTMENT OF CAROL A. SWANSON TO THE NEVADA SILVER HAired LEGISLATIVE FORUM.

ASSEMBLYMAN SILBERKRAUS SECONDED THE MOTION.

THE MOTION CARRIED.

3. Advisory Council on Mortgage Investments and Mortgage Lending (NRS 645.860)

Mr. Combs referred to the statutory language regarding the Advisory Council on Mortgage Investments and Mortgage Lending (Council), Division of Mortgage Lending, Department of Business and Industry ([Exhibit Y](#)). He directed the Commission's attention to a letter dated March 4, 2016, from James Westrin, Commissioner, Division of Mortgage Lending, Department of Business and Industry, which indicates individuals ([Exhibit Z](#)) who have been recommended to fill three vacancies on the Council. Mr. Combs said the Council positions filled by Kyle Nagy, CommCap Advisors, and Alicia Taylor, Mortgage Solutions LLC, have expired. They wish to be considered for reappointment, of which they are eligible. Four other names have been submitted for consideration of appointment to the Council as follows: Jonathan T. Gedde; Rey Gallegos; Cory Hjelmeir; and Winston F. McGregor.

ASSEMBLYMAN STEWART MOVED APPROVAL OF THE REAPPOINTMENTS OF KYLE NAGY AND ALICIA TAYLOR AND THE APPOINTMENT OF WINSTON F. MCGREGOR TO THE ADVISORY COUNCIL ON MORTGAGE INVESTMENTS AND MORTGAGE LENDING.

ASSEMBLYMAN ARAUJO SECONDED THE MOTION.

THE MOTION CARRIED.

C. Appointment of Chairs and Vice Chairs for Committees

1. Committee on High-Level Radioactive Waste (NRS 459.0085)

Chair Roberson asked for recommendations for chair and vice chair of the Committee on High-Level Radioactive Waste ([Exhibit AA](#)).

VICE CHAIR SETTELMAYER MOVED APPROVAL OF THE APPOINTMENT OF PETE GOICOECHEA, SENATE DISTRICT NO. 19 AS CHAIR, AND GLENN E. TROWBRIDGE, ASSEMBLY DISTRICT NO. 37, AS VICE CHAIR OF THE COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE.

SENATOR ATKINSON SECONDED THE MOTION.

THE MOTION CARRIED.

2. Legislative Committee on Energy (NRS 218E.805)—Chair Only

Chair Roberson stated the Assembly Republican leadership recommends Stephen H. Silberkraus as chair of the Legislative Committee on Energy ([Exhibit V](#)).

ASSEMBLYMAN STEWART MOVED APPROVAL OF THE APPOINTMENT OF STEPHEN H. SILBERKRAUS AS CHAIR OF THE LEGISLATIVE COMMITTEE ON ENERGY.

SENATOR ATKINSON SECONDED THE MOTION.

THE MOTION CARRIED.

D. Approval of a Study Concerning the Provision of Mental and Other Behavioral Health Services in this State and the Approval of a Budget for the Study

Mr. Combs explained this item had also been on the December 21, 2016, Commission agenda, and, at that time, there was some indication that the Governor's Behavioral Health and Wellness Council (GBHWC) would address

the possible regionalization of mental health services. A decision was made not to take action on the item. In the meantime, he discussed the matter with the Office of the Governor, which decided to disband the GBHWC, and an Executive Order to that effect was issued in March 2016. According to direction from Commission members in December, he said he has engaged in discussions with the LCB administration regarding a staff study that would be limited to assessing the advantages and disadvantages of a regionalized structure, as opposed to the current structure, and the types of issues that need to be addressed by the Legislature if a decision were made to adopt a regionalized structure. He said he and Assemblyman Araujo discussed the issue at length; Mr. Combs deferred to Assemblyman Araujo for further comment.

Assemblyman Araujo thanked Mr. Combs and the LCB for their efforts concerning mental health services. He said discussion participants agree that a staff study would be a great starting point to address mental health services and issues that impact veterans, the homeless, children, and families and what needs to be done during the 2017 Session.

Mr. Combs clarified for Senator Kieckhefer that the difference between a staff study and an interim study is a staff study does not offer policy recommendations, but rather it provides advantages and disadvantages. In addition, a staff study provides comparative information on other states on topics that will need to be considered if legislation is proposed for the next session. The concept of the study is for staff to work with the Division of Public and Behavioral Health and local government entities to comprise a report for the Commission's consideration. He opined if the scope of the study were narrowed to a couple of issues, it could be accomplished as a staff study and be done quickly. Starting a study committee this late in the interim is possible; however, it would be very difficult given the short period. Mr. Combs said he offered staff services to expedite the process.

Assemblyman Araujo stated the specific goal of the study is to address the feasibility of regionalizing Nevada's system of mental health, which had been discussed during the 2015 Session and with the GBHWC, the Southern Nevada Forum, and delegates. They are interested in exploring other states' systems of mental health and the success rate of those that have adopted a regionalized system should the Legislature consider doing the same.

Assemblyman Araujo replied to Vice Chair Settlemeyer's question concerning how the regions would be determined by saying a decision would not be made until after the study was complete and it was determined that a regionalized structure would be beneficial. If a decision is made to move forward, a bill draft request would be necessary to set forth the details of the new structure. He indicated that there are many questions yet to be answered.

Vice Chair Settlemeyer expressed concern with authorizing a staff study when the definition of regionalization is not clearly defined. He provided an example of a regional approach as seen in the labor unions where Clark and Washoe counties' opinions are recognized and the rules are not adhered to. Vice Chair Settlemeyer questioned whether a mental health study had been conducted two years prior.

Assemblyman Araujo anticipates a staff study will clear up any ambiguities. He deferred to Mr. Combs concerning a prior study on mental health issues.

Mr. Combs did not recall a mental health study conducted by the Legislature; however, the GBHWC had four legislative members, which may be the study Vice Chair Settlemeyer questioned.

Vice Chair Settlemeyer confirmed Mr. Combs' assertion.

Senator Kieckhefer stated there is a 45-page document prepared by the GBHWC on the governance of mental health systems and how other states addressed the issue, expressing concern efforts may be duplicated by a staff study. He questioned the funding of a potential staff study.

Mr. Combs stated there would be no additional cost for the staff study as opposed to that of a six-meeting legislative committee, which he estimated would be approximately \$6,500. He said if a legislative committee were approved, there is \$4,000 in the study allocation for the 2015 Interim, and the balance could be found in either the Commission's or Director's Office budgets.

Senator Denis questioned how the study from the GBHWC differs from the proposed study by LCB staff.

Assemblyman Araujo replied the staff study would look for different strategies that complement the GBHWC study. He said he is committed to working closely with Mr. Combs and staff.

Senator Kieckhefer expressed concern that if the Commission is not willing to put forth significant effort to address this issue but asks LCB staff to reallocate existing resources for a study, he is not confident the results will differ from those of the previous interim.

Vice Chair Settlemeyer stated he would like to discuss the subject "offline" with Assemblyman Araujo and engage with the DHHS and other individuals, such as Caleb S. Cage, formerly with the Department of Veterans Services, concerning veterans' mental health issues. He recommended not moving forward until more questions are answered.

Senator Ford commented the study has been delayed by many months, and prolonging it further will make it more difficult for staff to complete. He noted the study is a priority for southern Nevada, and he strongly urges the Commission to support it.

Chair Roberson said the Commission has not delayed the study but rather there was a possibility it would be conducted by Executive Order from the Office of the Governor.

Mr. Combs stated when he talked with Chair Roberson and Assemblyman Araujo in December 2015, he had spoken to the Office of the Governor (OIG), which, at that time indicated the subject would be placed on the list of issues for the GBHWC to consider. As of February, the OIG was unsure whether the GBHWC would meet during the interim, and then it was disbanded in March. Mr. Combs said that is when he knew the original path for addressing this issue was not going to work out as he expected.

Chair Roberson acknowledged there are varied opinions regarding the subject. He said that in the spirit of bipartisanship he is willing to support Assemblyman Araujo's recommendation of a staff study and welcomed comments from members.

Assemblywoman Bustamante Adams pointed out that the matter has been postponed since December 2015, and there is no more time to wait. The Commission tried to take a different path, but it has led back to a staff study, and she urges the Commission's support.

Before the vote, Senator Denis emphasized the staff study, if approved, would need to focus on information the Commission does not already have in an effort to expeditiously assist with policy-making decisions during the 2017 Session.

Chair Roberson commented he had served on the GBHWC and that it had put forth many, thoughtful recommendations.

ASSEMBLYWOMAN BUSTAMANTE ADAMS MOVED
APPROVAL FOR A STAFF STUDY OF THE REGIONALIZATION
OF MENTAL HEALTH SERVICES.

SENATOR ATKINSON SECONDED THE MOTION.

THE MOTION CARRIED.

INFORMATIONAL ITEMS

Chair Roberson asked the members whether they would like to hear testimony on any of the informational items on the agenda.

Chair Roberson stated Assemblywoman Bustamante Adams had originally requested informational items C.2., C.4., C.10., and C.13 be pulled for discussion; however, she later retracted her request for discussion of C.2.

A. Interim Committee Reports

B. Summary of Quarterly Reports on Disciplinary Action From the Licensing Boards and State Agencies

C. Miscellaneous Reports or Correspondence From State Agencies and Others:

1. Division of Welfare and Supportive Services of the Department of Health and Human Services and the Housing Division of the Department of Business and Industry Joint Report Concerning the Annual Evaluation of Programs of Energy Assistance Pursuant to NRS 702.280
2. Department of Public Safety, General Services Division, Crime in Nevada Annual Report for the Calendar Year 2014 pursuant to NRS 179A.075 and NRS 179A.450
3. Department of Motor Vehicles, Annual Report Concerning Garages, Garage Operators and Body Shops Pursuant to NRS 487.557
4. City of Las Vegas Redevelopment Agency Annual Report on Money Expended to Improve Existing Public Educational Facilities Pursuant to NRS 279.685(1)

Regarding Item C.4., Assemblywoman Bustamante Adams questioned the meaning of the line item titled Affordable Housing Program (AHP) in the *City of Las Vegas Redevelopment Agency* (RDA) *Annual Report* ([Exhibit BB](#)).

Brian McAnallen, Government Affairs Manager, Office of Administrative Services, City of Las Vegas (City), explained normally there is an 18 percent set-aside with the RDA funds. However, there is a 9 percent set-aside for educational facilities and a 9 percent set-aside for housing. Regarding the education set-aside, which is about \$1,100,000 per year, a memorandum of understanding was executed in 2014 with the Clark County School District (CCSD) and with Variety Early Learning Centers (VELC). One project is the VELC located at Lorenzi Park in the old Nevada State Museum, which will be refurbished for pre-K classrooms. The expectation is there will be 13 classrooms, 10 of which will be run by VELC, and 3 will be run by the CCSD. Construction will begin in August 2016 with anticipated completion in March 2017. This project will not only help the CCSD, it will also provide pre-K or early education at that facility. There will be space for about 250 children of which, over time, the facility is expected to reach full capacity. He said the other location the City is targeting is what it refers to as the "Alta pre-K" location at the corner of Alta and Martin Luther King Blvd., which is a vacant, early education

facility purchased for about \$1 million; however, it is being upgraded to code and standards. The adjacent residential parcel was purchased for about \$250,000 for the purpose of a parking lot for staff and parents. It is estimated the Alta pre-K facility will accommodate about 250 children with nine classrooms, eight of which will be traditional classrooms and one of which will be a multipurpose room. Construction for that facility is slated to begin in June 2015 with completion in the fall. Mr. McAnallen stated he did not have details on the set-aside for the AHP but he will get that information to Assemblywoman Bustamante Adams at a later date, as well as a summary of the two projects.

5. More Cops Revenue and Expenditure Reports Submitted Pursuant to Sections 13.5 and 13.7 of the Clark County Sales and Use Tax Act of 2005, 2nd Quarter of Fiscal Year 2016
 - a. City of Henderson
 - b. Las Vegas Metropolitan Police Department
 - c. North Las Vegas
6. Reports Regarding Contracts With Construction Managers at Risk (CMAR) Pursuant to Section 14.5 of Assembly Bill 283 (Chapter 487, *Statutes of Nevada 2013*):
 - a. Nevada Department of Transportation
 - b. Regional Transportation Commission of Southern Nevada
 - c. Washoe County School District
 - d. City of Las Vegas
7. Department of Administration, State Public Works Division, Veterans Preference Report for July 1, 2015, to December 31, 2015, Pursuant to NRS 338.13846
8. City of Las Vegas, Fiscal Year 2015, City of Las Vegas Report on Preference in Bidding on Construction Projects Pursuant to NRS 338.0117
9. Department of Veterans Services, Report of Recommendations Regarding the Continuation, Modification, Promotion or Expansion of the Preferences for Local Businesses Owned by Veterans with Service-connected Disabilities Pursuant to NRS 417.105
10. Department of Business and Industry, Nevada Transportation Authority, Report Regarding Background Checks Pursuant to Section 55 of A.B. 176 (Chapter 279, *Statutes of Nevada 2015*)

In reference to Item C.10., Ann Wilkinson, Chair, Nevada Transportation Authority (NTA), Department of Business and Industry, stated that at the December 21, 2015, Commission meeting she presented the NTA's study report (Report), dated November 30, 2015, on background checks ([Exhibit CC](#)), as required by Section 55 of A.B. 176. At that meeting, Senator Ford requested that Ms. Wilkinson return with a thorough update concerning the differences in background check processes. Ms. Wilkinson referred to three charts the NTA comprised for this meeting that compares background check processes. The first chart ([Exhibit DD](#)) titled Comparison of Nevada Driver Background Check

Laws (Chart 1) compares the statutory requirements for transportation network company (TNC) drivers under the provisions of A.B. 176 with those of Chapter 706 ("Motor Carriers") of NRS. The second chart ([Exhibit EE](#)) titled Comparison of Criminal Background Check Methodologies (Chart 2) compares the commercial criminal background checks performed on TNC drivers with criminal history checks performed by the Federal Bureau of Investigation (FBI). The third chart ([Exhibit FF](#)) titled State Fingerprint Background Checks for TNC Drivers (Chart 3) is a "work in progress" that, so far, identifies 23 states' background check requirements for drivers and whether they include fingerprinting. She noted recent, additional resources concerning background checks on TNC and other passenger carrier drivers are on the last page of Chart 3.

Assemblywoman Bustamante Adams asked Ms. Wilkinson to elaborate on the complexities that impede the NTA's ability to complete an individual comparison study as mentioned on page 2 of the Report ([Exhibit CC](#)).

Ms. Wilkinson said during research for the Report, the NTA reached out to the Central Repository for Nevada Records of Criminal History (Repository) to discuss the process of obtaining an individual comparison of a TNC driver background check to that of a fingerprint background check. During those discussions, the NTA learned the Repository's position was that the NTA could not require that type of individual comparison without legislative change, based upon federal law and the FBI. In addition, the question was raised regarding whether it be the TNC driver, the TNC, or the NTA who would bear the cost of the comparison study and the fingerprinting. For costs associated with background checks, Ms. Wilkinson referred to Chart 2 ([Exhibit EE](#)).

Responding to Assemblyman Stewart's question of whether Nevada has tougher background checks for TNC drivers compared to other states, Ms. Wilkinson referred to Chart 3 ([Exhibit FF](#)) that sets forth a variety of requirements from other states. She said it is difficult to determine how Nevada compares to other states because the NTA still has several states to research. However, she opined Nevada is one of the states with tougher background check requirements.

Referring to Chart 3 ([Exhibit FF](#)), Senator Atkinson, questioned the NTA's source. He recalled a media report that indicated some cities and/or states with different background check requirements have gone to more stringent requirements, and he wondered whether that is where the NTA got its information.

Ms. Wilkinson directed the Commission's attention to Chart 3 ([Exhibit FF](#)) noting Texas adopted an ordinance that requires a fingerprint-based criminal history background check. Ms. Wilkinson reminded the Commission that Chart 3 is still in progress and there might be more states and/or cities with the same requirements.

Senator Ford questioned when the NTA will be finished with the overall research, specifically, Chart 3.

Ms. Wilkinson stated Charts 1 and 2 are complete. Regarding Chart 3, she said the NTA was recently informed by the PUCN that the National Association of Regulatory Utility Commissioners (NARUC) formed a task force of late that is charged with establishing best practices for TNC regulation throughout the country. She said the NARUC anticipates it will conclude its work by February 2017, and background checks are one of the issues included in establishing best practices. She opined Chart 3 will likely continue as a work in progress because there are constant updates from a variety of resources. Ms. Wilkinson said the NTA is happy to work with Mr. Combs and provide updates to the Commission as they become available.

Senator Ford stressed the importance of this issue and requested that Ms. Wilkinson return in a few of months, which will give the NTA additional time to work on Chart 3 and will also give members the opportunity to review the comparison charts and prepare additional questions.

11. Department of Administration, Enterprise IT Services Division Report Regarding Confidentiality of Certain Documents related to Homeland Security Pursuant to NRS 242.105
12. Department of Taxation's Semi-Annual Report Regarding Sales Tax Revenue Statistics for Businesses Operating in a Tourism Improvement District in Washoe County (Star Bond District) Pursuant to NRS 271A.105
13. Department of Public Safety—Annual Report on the Activities of Public Agencies with Respect to the Operation of Unmanned Aerial Vehicles in this State Pursuant to Section 22 of A.B. 239 (Chapter 327, *Statutes of Nevada 2015*)

In reference to Item C.13., Assemblywoman Bustamante Adams asked for a brief overview of the types of discussions that contributed to the report dated January 28, 2016, ([Exhibit GG](#)) submitted by the James M. Wright, Director, Department of Public Safety (DPS), as required by A.B. 239.

Caleb S. Cage, Chief, Division of Emergency Management, and Homeland Security Advisor, Office of Homeland Security, Division of Emergency Management, DPS, stated he joined DPS at the end of the 2015 Session. He said when A.B. 239 passed, he was assigned the task of implementing provisions of the bill pertaining to the DPS. The DPS was also responsible for developing regulations specific to appropriate uses of unmanned aerial vehicles (UAV) by public agencies and entities. The DPS hosted workshops on October 14, 2015, in Carson City and on October 16, 2015, in Las Vegas where approximately 20 people attended each one. Based on input from the workshops, the DPS developed draft regulations, which included about 20 items the DPS considered eligible for use of a UAV by

public agencies. The LCB's Legal Division drafted regulations, and the DPS is waiting to hold its final hearing on the regulations for A.B. 239 until two other unrelated regulations are generated by the Legal Division so they can be presented all at once.

Mr. Cage confirmed for Assemblywoman Bustamante Adams the UAV registration form is complete; however the DPS is awaiting the completion of the regulatory process before making it available on the DPS's website. He said the database will consist of an Excel spreadsheet.

PUBLIC COMMENT

Chair Roberson called for public comment.

Knight Allen, previously identified, referred to agenda item VI.A.1.: the Subcommittee to Review Regulations. Mr. Allen stated he has dealt with the Commission since the 1980s, and he has always been treated well. Throughout that time, regardless of which political party was in the majority or what occurred during the sessions, when it came to the Commission, politics was not an issue. For the first time, politics became an issue today. He urged his fellow Democrats to rethink their position, noting there have been years when either party dominated the Commission and the other party would go along. Mr. Allen emphasized what happened during the last session does not amount to anything compared to the integrity of the Commission. He cautioned what occurred today could set a precedent. Mr. Allen pleaded not to destroy the process that has been in place for so long and worked so well.

The following documents were submitted for the record:

1. Letter provided by Lesley Dickson, M.D., Executive Director and State Legislative Representative, Nevada Psychiatric Association ([Exhibit HH](#)).
2. Letter provided by Curt R. Ledford, partner, McDonald Carano Wilson LLP ([Exhibit II](#)).
3. Letter provided by James Oscarson, Assembly District No. 36 ([Exhibit JJ](#)).
4. Letters and correspondence provided by Adam J. Rovit, M.D., FACS, President, Nevada Academy of Ophthalmology ([Exhibit KK](#)).
5. Letter provided by Trish Swain, Director, Trailsafe Nevada ([Exhibit LL](#)).

ADJOURNMENT

There being no further business to come before the Commission, the meeting was adjourned at 2:39 p.m.

Respectfully submitted,

Debbie Gleason
Secretary for Minutes

APPROVED BY:

Senator Michael Roberson, Chair
Legislative Commission

EXHIBITS

EXHIBIT	WITNESS/ENTITY	DESCRIPTION
Exhibit A	Rick Combs, Director, Legislative Counsel Bureau (LCB)	Meeting Notice and Agenda
Exhibit B	Sylvia A. Wiese, Executive Assistant, Administrative Division, LCB	Attendance sign-in sheets dated April 4, 2016, from Las Vegas and Carson City, Nevada
Exhibit C	Legal Division, LCB	Adopted Regulation of the Public Utilities Commission of Nevada, LCB File No. R069-15
Exhibit D	Senator Joseph (Joe) P. Hardy, M.D., Senate District No. 12, and Robert P. Bilbray, Strategic Development Advisor, Laughlin Economic Development Corporation	Redlined draft of R069-15
Exhibit E	Legal Division, LCB	Adopted Regulation of the Public Utilities Commission of Nevada, LCB File No. R116-15
Exhibit F	K. Neena Laxalt, lobbyist, Nevada Propane Dealers Association, Reno, Nevada	Written testimony
Exhibit G	Knight Allen, resident, Las Vegas, Nevada	"S.J.R. 13 - Summary of County Questions and Comments"
Exhibit H	Trish Swain, Director, TrailSafe Nevada	Letter
Exhibit I	Rick Combs, Director, LCB	Requests to continue regulations concerning R144-13
Exhibit J	Cody L. Phinney, M.P.H., Administrator, Division of Public and Behavioral Health, Department of Health and Human Services	Handout titled Chronology and History of R144-13RP4
Exhibit K	Legal Division, LCB	Adopted Regulation of the State Board of Health, LCB File No. R144-13
Exhibit L	Rick Combs, Director, LCB	State agency regulations to be reviewed by the Commission

Exhibit M	Legal Division, LCB	Adopted Regulation of the Department of Motor Vehicles, LCB File No. R049-15
Exhibit N	Legal Division, LCB	Adopted Regulation of the Nevada State Board of Optometry, LCB File No. R045-15
Exhibit O	Legal Division, LCB	Adopted Regulation of the State Board of Nursing, LCB File No. R091-15
Exhibit P	Legal Division, LCB	Adopted Regulation of the Board of Wildlife Commissioners, LCB File No. R087-14
Exhibit Q	Legal Division, LCB	Adopted Regulation of the Board of Wildlife Commissioners, LCB File No. R088-14
Exhibit R	Legal Division, LCB	Adopted Regulation of the Commissioner of Insurance, LCB File No. R049-14
Exhibit S	Legal Division, LCB	Adopted Regulation of the Public Utilities Commission of Nevada, LCB File No. R070-15
Exhibit T	Risa B. Lang, Chief Deputy Legislative Counsel, LCB	Policy on service animals and service animals in training
Exhibit U	Rick Combs, Director, LCB	Nomination to the Legislative Commission's Subcommittee to Review Regulations
Exhibit V	Rick Combs, Director, LCB	Informational item concerning appointment of chair to the Legislative Committee on Energy
Exhibit W	Rick Combs, Director, LCB	Appointments to the Nevada Commission on Minority Affairs
Exhibit X	Mary Shope, Coordinator, Nevada Silver Haired Legislative Forum NSHLF	Memorandum

Exhibit Y	Rick Combs, Director, LCB	Appointments to the Advisory Council on Mortgage Investments and Mortgage Lending
Exhibit Z	James Westrin, Commissioner, Division of Mortgage Lending, Department of Business and Industry	Letter
Exhibit AA	Rick Combs, Director, LCB	Appointment of chair and vice chair for the Committee on High-Level Radioactive Waste
Exhibit BB	Elizabeth N. Fretwell, Executive Director, City of Las Vegas Redevelopment Agency	Report
Exhibit CC	Ann Wilkinson, Chair, Nevada Transportation Authority (NTA), Department of Business and Industry (DBI)	Letter and report
Exhibit DD	Ann Wilkinson, Chair, NTA, DBI	Chart 1: Comparison of driver background check laws
Exhibit EE	Ann Wilkinson, Chair, NTA, DBI	Chart 2: Comparison of criminal background check methodologies
Exhibit FF	Ann Wilkinson, Chair, NTA, DBI	Chart 3: State fingerprint background checks for transportation network companies
Exhibit GG	James M. Wright, Director, Department of Public Safety	Report
Exhibit HH	Lesley Dickson, M.D., Executive Director and State Legislative Representative, Nevada Psychiatric Association	Letter
Exhibit II	Curt R. Ledford, partner, McDonald Carano Wilson LLP	Letter
Exhibit JJ	James Oscarson, Assembly District No. 36	Letter
Exhibit KK	Adam J. Rovit, M.D., FACS, President, Nevada Academy of Ophthalmology	Letters
Exhibit LL	Trish Swain, Director, Trailsafe Nevada	Letter

This set of “Minutes of the Legislative Commission” is an informational service. Exhibits in electronic format may not be complete. Copies of the complete exhibits are on file in the Director’s Office of the Legislative Counsel Bureau, Carson City, Nevada.