

LEGISLATIVE COMMISSION

NOVEMBER 2, 2016



**MEETING PACKET
VOLUME I**

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

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MEETING NOTICE AND AGENDA

Name of Organization: LEGISLATIVE COMMISSION (NRS 218E.150)
Date and Time of Meeting: Wednesday, November 2, 2016 – 9:00 a.m.
Place of Meeting: Grant Sawyer State Office Building, Room 4401
555 East Washington Avenue
Las Vegas, Nevada

Note: Some members of the Commission may be attending the meeting and other persons may observe the meeting and provide testimony through a simultaneous videoconference conducted at the following location:

Legislative Building, Room 4100
401 South Carson Street
Carson City, Nevada

If you cannot attend the meeting, you can listen or view it live over the Internet. The address for the Nevada Legislature website is <http://www.leg.state.nv.us>. Click on the link "Calendar of Meetings/View."

Note: Minutes of this meeting will be produced in summary format. Please provide the secretary with electronic or written copies of testimony and visual presentations if you wish to have complete versions included as exhibits with the minutes.

Note: Items on this agenda may be taken in a different order than listed. Two or more agenda items may be combined for consideration. An item may be removed from this agenda or discussion relating to an item on this agenda may be delayed at any time.

I. ROLL CALL

II. PUBLIC COMMENT

(Because of time considerations, speakers are urged to avoid repetition of comments made by previous speakers. A person may also have comments added to the minutes of the meeting by submitting them in writing either in addition to testifying or in lieu of testifying. Written comments may be submitted in person or by e-mail, facsimile, or mail before, during, or after the meeting.)

**For
Possible
Action**

III

APPROVAL OF MINUTES OF THE September 9, 2016 MEETING – Senator Michael Roberson, Chair

For Possible Action

For Possible Action

For Possible Action

IV. LEGISLATIVE AUDITOR

- (A.) Summary of Audit Reports Presented to Legislative Commission's Audit Subcommittee, NRS 218G.240 – Rocky Cooper, Legislative Auditor
- (B.) Summary of Six-Month Status Reports on the Implementation of the Audit Recommendations by the Legislative Auditor as Submitted to the Audit Subcommittee, NRS 218G.270 – Rocky Cooper, Legislative Auditor
- (C.) Request for Approval of Basic Audit Program Pursuant to NRS 218E.205 and NRS 218G.120 – Rocky Cooper, Legislative Auditor

For Possible Action

For Possible Action

For Possible Action

For Possible Action

V. LEGISLATIVE COMMISSION POLICY

- (A.) Review of Administrative Regulations Submitted Pursuant to NRS 233B.067 – Brenda J. Erdoes, Legislative Counsel
Please see attached list of regulations to be considered or access list electronically at:
http://www.leg.state.nv.us/Register/IndexesRegsReviewed/LCMtg_List_2016_Nov2.pdf
- (B.) Approval to Request a Bill Draft Concerning the Legislature and the Legislative Counsel Bureau – Rick Combs, Director
- (C.) Recommendations for the Elimination of Obsolete or Redundant Reports to the Legislature and the Revisions of Reporting Requirements Pursuant to NRS 218D.385 – Rick Combs, Director
- (D.) Approval of Measures to Enhance the Security of the Legislative Building During the 2017 Legislative Session – Rick Combs, Director

For Possible Action

For Possible Action

For Possible Action

VI. PROGRESS REPORTS AND APPOINTMENTS

- (A.) Summary Reports of Major Studies in Progress Pursuant to Rule No. 6 of the Rules and Policies of the Legislative Counsel Bureau – Rick Combs, Director
- (B.) Recommendations of the Sunset Subcommittee of the Legislative Commission (NRS 232B.250) – Senator James Settelmeyer, Chair, Sunset Subcommittee
- (C.) Appointment of Members to National Conference of Commissioners on Uniform State Laws (NRS 219.020) – Rick Combs, Director
- (D.) Appointment of Members to the Commission on Ethics (NRS 281A.200) – Rick Combs, Director

VII. INFORMATIONAL ITEMS

- (A.) Interim Committee Reports
- (B.) Summary of Quarterly Reports on Disciplinary Action from the Licensing Boards and State Agencies
- (C.)
 - 1. Nevada Legislature Oral History Program—Report to the Legislative Commission Pursuant to NRS 218A.350(7)
 - 2. Department of Taxation, Sales Tax Revenue Statistics for Businesses Operating in a Tourism Improvement District (TID) in Washoe and Clark Counties Star Bond Districts Pursuant to NRS 271A.105(2)(a)
 - 3. Annual Report of City of Sparks Tourism Improvement District (TID) Pursuant to NRS 271A.105
 - 4. Annual Report of City of Las Vegas Tourism Improvement District (TID) Pursuant to NRS 271A.105
 - 5. Nevada Department of Transportation, FY 2016 Report on Construction Projects Awarded Bidder's Preference Pursuant to NRS 338.0117(7)
 - 6. City of Las Vegas, FY 2016 Report on Construction Projects Awarded Bidder's Preference Report Pursuant to NRS 338.0117(7)
 - 7. City of Sparks, FY 2016 Report on Construction Projects Awarded Bidder's Preference Pursuant to NRS 338.0117(7)

8. Department of Administration, State Public Works Division, FY 2016 Report on Construction Projects Awarded Bidder's Preference Pursuant to NRS 338.0117(7)
9. Washoe County School District, FY 2016 Report on Construction Projects Awarded Bidder's Preference Pursuant to NRS 338.0117(7)
10. Clark County School District, FY 2016 Report on Construction Projects Awarded Bidder's Preference Pursuant to NRS 338.0117(7)
11. Las Vegas Convention and Visitors Authority, FY 2016 Report on Construction Projects Awarded Bidder's Preference Pursuant to NRS 338.0117(7)
12. Office of the Attorney General, Report of the Advisory Committee to Study Laws Regarding Sex Offenders Pursuant to AB 85 of the 75th Session, (Advisory Committee Meeting Minutes disk is filed with exhibit material for this meeting in the Legislative Counsel Bureau's Director's Office)
13. Storey County, Annual Report Regarding Abatement of Permitting or Licensing Fees Pursuant to NRS 360.980
14. Storey County, Annual Report Regarding Economic Diversification District Pursuant to NRS 271B.100
15. Public Utilities Commission of Nevada – Notice of General Consumer Sessions Conducted in Clark County on September 26, 2016, and Washoe County on September 29, 2016, Pursuant to NRS 704.069(2)
16. 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, 3rd Quarter of Fiscal Year 2016
 - a. City of Henderson
 - b. City of North Las Vegas
 - c. Las Vegas Metropolitan Police Department
17. Report Regarding Transportation of Persons to Medical Facilities by Fire Departments and Ambulance Services in Clark County Pursuant to NRS 244.2962

VIII. PUBLIC COMMENT

(Because of time considerations, speakers are urged to avoid repetition of comments made by previous speakers. A person may also have comments added to the minutes of the meeting by submitting them in writing either in addition to testifying or in lieu of testifying. Written comments may be submitted in person or by e-mail, facsimile, or mail before, during, or after the meeting.)

IX. ADJOURNMENT

Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Director's Office of the Legislative Counsel Bureau, in writing, at the Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747, or call the Director's Office at (775) 684-6800 as soon as possible.

Notice of this meeting was posted in the following Carson City and Las Vegas, Nevada, locations: Blasdel Building, 209 East Musser Street; City Hall, 201 North Carson Street; Legislative Building, 401 South Carson Street; and Legislative Counsel Bureau, Las Vegas Office, Grant Sawyer State Office Building, 555 East Washington Avenue. Notice of this meeting was faxed, e-mailed, or hand delivered for posting to the following Carson City and Las Vegas, Nevada, locations: Capitol Press Corps, Basement, Capitol Building, 101 North Carson Street; Clark County Government Center, Administrative Services, 500 South Grand Central Parkway; and Capitol Police, Grant Sawyer State Office Building, 555 East Washington Avenue. Notice of this meeting was posted on the Internet through the Nevada Legislature's website at www.leg.state.nv.us.

Supporting public material provided to Commission members for this meeting may be requested from Sylvia Wiese, Commission Secretary, Director's Office of the Legislative Counsel Bureau at (775) 684-6775 and is/will be available at the following locations: Meeting locations and the Nevada Legislature's website at www.leg.state.nv.us.

APPROVAL OF THE MINUTES OF THE
NOVEMBER 2, 2016 MEETING



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

The Legislative Commission held its fourth meeting in Calendar Year 2016 on Friday, September 9, 2016. The meeting began at 10:13 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 Joseph (Joe) P. Hardy, M.D. for Senator Ben Kieckhefer
Assemblyman Nelson Araujo
Assemblywoman Teresa Benitez-Thompson
Assemblyman Ira Hansen
Assemblywoman Dina Neal for Assemblywoman Irene Bustamante Adams
Assemblyman Stephen H. Silberkraus for Assemblyman John Hambrick
Assemblyman Lynn D. Stewart

OTHER LEGISLATOR PRESENT:

Senator Patricia Farley, Senate District No. 8
Senator Tick Segerblom, Senate District No. 3
Assemblyman David M. Gardner, Assembly District No. 9

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

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

draft

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

AGENDA ITEM I—ROLL CALL

Chair Roberson called the meeting to order and asked the record to reflect that all members were present and accounted for.

AGENDA ITEM II—PUBLIC COMMENT

Chair Roberson called for public comment. He invited Senators Farley and Segerblom to the witness table.

Senator Tick Segerblom, Senate District No. 3, expressed support of Legislative Counsel Bureau (LCB) File No. R148-15 (Agenda Item IV A-6) regarding establishing provisions relating to the medical use of marijuana.

Senator Patricia Farley, Senate District 8, briefly spoke in favor of R148-15, and remarked the regulation is a good start.

Carolyn Edwards, Trustee, District F, Clark County School District (CCSD), Chris Garvey, Vice President and Trustee, District B, CCSD, and Patrice Tew, Clerk and Trustee, CCSD, shared a statement from the CCSD regarding the protection of students and teachers in the classrooms, increasing the focus on student achievement, and should R142-16 (Agenda Item IV A-1) be approved, transparency in the process (Agenda Item II A).

Lindsey Dalley, Chair, Moapa Valley Community Education Advisory Board Task Force, affirmed the four Moapa Valley schools are behind R142-16 (Agenda Item IV A-1); he also stressed clarity and transparency at all levels.

Caryne Shea, Vice President, Honoring Our Public Education (H.O.P.E.), testified that HOPE'S and parents' concerns voiced during the State Board of Education (SBE) meeting on September 1, 2016, are a priority for HOPE. She emphasized the difference between simply implementing the plan to reorganize the CCSD and implementing the plan well with safeguards for all children.

Amanda Morgan, Esq., Legal Director, Educate Nevada Now (ENN), provided letters from her and Sylvia Lazos, Policy Director, ENN, regarding the development of regulations pursuant to Assembly Bill 394 (Chapter 543, *Statutes of Nevada 2015*) presented at today's meeting and at previous meetings of the SBE and the Advisory Committee to Develop a Plan to Reorganize the Clark County School District (Advisory Committee) (Agenda Item II B-1), (Agenda Item II B-2), (Agenda Item II B-3), and (Agenda Item II B-4). She discussed the following points ENN deems important concerning the success of the reorganization: (1) outreach

to parents in understanding the impact of the reorganization and their involvement; (2) leadership from principals; and (3) the usage of *actual* versus *average* salaries.

Ms. Lazos congratulated the joint, bipartisan effort of the Advisory Committee and the SBE in benefitting all students. She cautioned empowerment alone does not result in better student achievement, and the “empowerment model” works best when: leadership is strong; parents are fully engaged; and Tier 1 Educational Coaching and Consulting Services teaching is applied.

José Solorio, Nevada resident, stated he wanted to ensure all children’s educational needs are met. He focused his comments on three areas: (1) empowerment; (2) equality and equity in student funding; and (3) parental engagement.

Lisa Mayo-DeRiso, Member, Break Free CCSD, Member and Parent Ambassador, Parent Advisory Committee, Bonanza High School (BHS), Las Vegas, Nevada, and parent of two students at BHS, conveyed BHS is ready for the reorganization. She remarked the secret to the success of the CCSD’s reorganization is parent-to-parent recruiting engagement, and, in her opinion, empowerment, equality, and equity will be met.

Stephen Augspurger, Executive Director, Clark County Association of School Administrators and Professional-Technical Employees (Association), indicated the Association fully supports A.B. 394, is ready for the reorganization challenge, and it looks forward to working with the Commission during the 2017 Session in regard to the weighted, student-funding formula.

Tod Story, Executive Director, American Civil Liberties Union of Nevada, (ACLU) commented on two issues: (1) questions raised concerning the manner in which regulations regarding the reorganizational process were approved; and (2) organizational teams’ exemption from the Open Meeting Law (OML). Mr. Story stated the ACLU is of the opinion the 30 days that gives the public the opportunity to read, decipher, and digest regulations should have started over once the regulations were revised substantively. Further, he said exempting organizational teams from the OML usurps the Legislature’s authority and sets a precedent for other regulatory agencies.

Vicki Courtney, President, Clark County Education Association (CCEA), expressed the CCEA’s enthusiasm in regard to the reorganizational challenge, and it looks forward to working with the community.

Holly Welborn, State Policy Director, ACLU, addressed procedural and substantive issues pertaining to R142-16 (Agenda Item IV A-1): (1) the differences of opinion between the ACLU and the LCB regarding the requirement for posting meeting notices; and (2) the exemption of organizational teams from the OML.

Barry Smith, Executive Director, Nevada Press Association, expressed concern regarding the exemption of organizational teams from the OML. He is of the opinion if changes to the OML are needed they should be made legislatively rather than through regulations. Of particular concern is the language in Section 26 of R142-16 (Agenda Item IV A-1) that refers to exemptions to the OML for meetings containing “confidential information”; he urged the Commission to not move forward with the regulation with that section in it.

Riana Durrett, Executive Director, Nevada Dispensary Association (NDA), testified in support of R148-15 (Agenda Item IV A-6). She elaborated on the NDA’s role in developing and promoting best practices in the medical marijuana industry and its part in issuing 40 of the 66 dispensary licenses issued throughout Nevada. Ms. Durrett also commented on members’ concerns that were addressed in the regulation, noting areas of improvement remain, and the NDA would appreciate the continued support of the Division of Public and Behavioral Health (DPBH), Department of Health and Human Services (DHHS).

Former Assemblyman David Goldwater, Secretary, NDA, echoed Ms. Durrett’s remarks.

Susan Bunce, Chief Executive Officer (CEO), DB Labs, Las Vegas, Nevada, and President, Nevada Cannabis Laboratory Association (NCLA), spoke in favor of R148-15 (Agenda Item IV A-6), noting there are several aspects of the program that can be improved, and the NCLA looks forward to working with interested parties in making those improvements.

Phillip Peckman, President, Nevada Cannabis Coalition (NCC), remarked the NCC has issued approximately one-third of the licenses issued in Nevada for the sale of medical marijuana, noting he is also a licensee with two dispensaries. Regarding R148-15 (Agenda Item IV A-6), he stated the NCC is concerned about use of independent contractors and lab testing.

Van McConnan, CEO, Clear River Wellness, and operator of two dispensaries, commented although he is not 100 percent pleased with every provision of R148-15 (Agenda Item IV A-6), as a whole, the process resulted in a good set of recommendations for the marijuana dispensary industry, and he encouraged all parties to continue with the same process.

William Adler, Executive Director, Nevada Medical Marijuana Association, commented the medical marijuana program has resulted in a very long and extensive regulatory process, and although it is not perfect, he encouraged the passage of R148-15.

Paul Enos, CEO, Nevada Trucking Association (NTA), testified in opposition to R001-15 (Agenda Item IV A-2). He encouraged the Commission not to pass the

regulation today, noting J. David Wuest, R.Ph., Deputy Executive Secretary, State Board of Pharmacy (SBP), and that he had agreed to further discuss the NTA's concerns in regard to the regulation and the Drug Supply Chain Security Act, and the NTA's desire to wait for guidance from the United States Food and Drug Administration (FDA), U.S. Department of Health and Human Services, in an effort to achieve semblance of uniformity throughout the states.

Marla McDade-Williams, Nevada resident, discussed Section 27 of R148-15 (Agenda Item IV A-6). She expressed concern with a medical marijuana establishment (MME) assuming responsibility for reporting requirements of other businesses. Ms. McDade-Williams stated prior to today's meeting, Chad Westom, Health Bureau Chief, Public Health Preparedness Program, DPBH, DHHS, and Cody L. Phinney, M.P.H., Administrator, DPBH, DHHS, agreed to rereview Section 27 of R148-15, and if possible, remove the language. If removal is not an option, she requested the Commission consider temporary regulations to address that issue as well as batch sizes and testing for "dry product."

Brett Scolari, General Counsel, Tryke Companies (Tryke), testified in support of R148-15, noting Tryke holds eight MME licenses.

Lea Tauchen, Vice President of Administration and Government Affairs, Retail Association of Nevada (RAN), representing the Chain Drug Council (CDC), voiced the CDC's concerns pertaining to R058-16 (Agenda Item IV A-3) that requires pharmacies to report the sale of opioid antagonists.

**AGENDA ITEM III—APPROVAL OF MINUTES OF THE JUNE 28, 2016 MEETING –
Senator Michael Roberson, Chair**

MOTION: Assemblyman Stewart moved approval of the minutes of the June 28, 2016, meeting. Senator Atkinson seconded the motion. The motion carried.

AGENDA ITEM IV—LEGISLATIVE COMMISSION POLICY

A. Review of Administrative Regulations Submitted Pursuant to NRS 233B.067
—Brenda J. Erdoes, Legislative Counsel

Please see attached list of regulations to be considered or access list electronically at: http://www.leg.state.nv.us/Register/IndexesRegsReviewed/LCMtg_List_2016_Sept9.pdf.

Chair Roberson asked members to identify the regulations they would like held for discussion.

The following regulations were requested to be held for discussion:

- R053-16 – Assemblywoman Benitez-Thompson;
- R001-15, R015-16, and R058-16 – Vice Chair Settlemeyer and Assemblyman Hansen;
- R148-15 – Senator Hardy;
- R142-16 – Senator Atkinson;
- R027-16 and R037-16 – Senator Denis; and
- R023-16 – Assemblywoman Neal.

Chair Roberson announced R097-15 was pulled by the State Board of Equalization, Department of Taxation (Taxation), and would not be heard today.

MOTION: Vice Chair Settlemeyer moved approval of R130-14; R101-15; R112-15; R121-15; R126-15; R145-15; R146-15; R013-16; R014-16; R028-16; R030-16; R032-16; R034-16; R054-16; and R062-16. Assemblyman Silberkraus seconded the motion. The motion carried.

Regulation 142-16

A REGULATION relating to education; deeming each public school within the Clark County School District, with certain exceptions, to be a local school precinct; providing for the transfer of authority to carry out certain responsibilities on behalf of the Clark County School District to local school precincts; requiring the School District to allocate money on a per-pupil basis to local school precincts to carry out those responsibilities; providing the manner in which to determine the allocations to be made to the local school precincts; requiring the Superintendent of the School District to make certain financial estimates and determinations regarding local school precincts each year for the next school year; providing for the appointment of school associate superintendents to oversee local school precincts; providing for the establishment of an organizational team at each local school precinct; requiring a plan of operation to be developed for each local school precinct; requiring surveys to be administered each year to all persons involved with local school precincts and Central Services of the School District; requiring the Superintendent of the School District to prepare an annual report concerning the local school precincts and Central Services; requiring the School District to cooperate with the legislative Advisory Committee to Develop a Plan to Reorganize the Clark County School District during the transition to local school precincts; requiring the Department of Education to determine whether to recommend additional licensing requirements for principals of local school

precincts; requiring the State Board of Education to assess the equity of certain budgeting methods used by local school precincts; and providing other matters properly relating thereto (Agenda Item IV A-1).

Steve Canavero, Ph.D., Superintendent of Public Instruction, Department of Education (DOE), commented on: (1) the development of regulations for A.B. 394; (2) the role of the SBE in carrying out the Advisory Committee's plan to reorganize the CCSD; and (3) the approval of R142-16 by the SBE on September 1, 2016. He noted the SBE's first step was to approve the *initial* regulatory framework while also recognizing the eventual need for refinement. Dr. Canavero highlighted the SBE's topics of interest in implementing the plan:

- Preparedness of principals for leading school precincts;
- Impact of the SBE upon professional development and licensing in carrying out the plan;
- Carrying out of statutes, policies, and programs, particularly those from the 2015 Legislative Session, by the SBE and DOE;
- Implications and accountability for increasing student outcomes and the invested dollars; and
- Implications and opportunities of the weighted, student-funding formula.

Mark Newburn, Vice President, SBE and State Board for Career and Technical Education, emphasized the SBE's primary role in implementing the plan is to adopt regulations.

Chair Roberson, Senator Atkinson, and Dr. Canavero discussed the following subjects:

- Timeline for the implementation of the plan;
- Nominating and electing organizational team members, and the composition of a team;
- Autonomy of school precincts' over budgets and expenditures;
- Role of principals, organizational teams, superintendent, and associate superintendent concerning the budget process and the handling of disagreements;
- Equality of funding throughout the schools, including average unit costs verses actual costs; the transition to a weighted, student-funding formula for students

qualified as: “gifted and talented”; English Language Learners; students in poverty; and students who qualify under an individualized education plan for special education; and

- Benefits of the organizational plan for the communities and schools.

Chair Roberson remarked that for the first time in Nevada money will truly follow the child; each principal and organizational team will have a budget based upon a per-pupil amount; and the school site will make decisions with more money. He discussed unrestricted General Fund education dollars, noting during the first year of the plan's implementation, at least 80 percent of those funds must be spent at the schools within those budgets; thereafter, the funds are increased to 85 percent, so no more than 15 percent of unrestricted education dollars may be spent outside of the schools. The plan refocuses the CCSD from a top-down system to a bottom-up system, and the Tier 1 schools will be the biggest financial beneficiaries of the legislation.

Continuing, Chair Roberson said the plan also gives parents a voice in their children's education with the hope they will get more involved in the schools. He also touched upon the duties of the associate superintendents and the hiring process. Chair Roberson concluded there is a sense that all interested parties are invested in the education of the 320,000-plus students, and several mayors advocate for more involvement from local governments in schools.

Additional items discussed:

- Hiring process of principals;
- Additional responsibility placed on principals; and
- Accountability.

Senator Atkinson commented the plan makes the schools resemble businesses with the principals as the CEOs when most of the principals do not have business degrees. Speaking on behalf of the schools and students in his district, he said there is a concern that an increase in school funding allocations is not the only answer.

Discussion ensued among Chair Roberson, Senator Ford, and Ms. Lazos, previously identified, regarding:

- The ENN's position of not legally constituting a precinct that does not have parent membership on an organizational team;
- A BDR to immunize parent members on organizational teams;

- Parental involvement; and
- The principals' role in and different approaches to ensuring parental involvement.

Chair Roberson stated it is unacceptable for a school to be of the position that if it cannot get parents involved, it will not have a precinct; and, therefore, it will not change. He acknowledged parents cannot be forced to participate, but he refused to accept there is a single principal in the CCSD who cannot find one or two parents to serve on an organizational team.

Assemblywoman Neal pointed out that the practice of not allowing parents to accompany their children onto school campuses after the third day of school does not promote parental involvement.

Pat Skorkowsky, Superintendent, CCSD, responded it is an independent school policy which he speculated is intended to minimize classroom disruption in order to proceed with the instructional day, and although he is not familiar with any specific schools that practice that policy, he would follow up with Assemblywoman Neal with more information.

Senator Denis emphasized the reorganization is to encourage parental involvement while recognizing there are issues. In his view it will provide an opportunity to train parents to be on a board that helps make decisions for the school, noting providing the training will be one of the biggest challenges.

Mr. Newborn indicated the SBE realized the sections of the regulation concerning the makeup of the organizational teams would need revising later while also recognizing the regulation represents a viable first step.

Senator Hardy commented the empowerment is not just for the principal, but also for the parents, and when parents are empowered, they get involved.

Commission members and Ms. Erdoes addressed the following concerns in regard to subsection 3 of Section 26 of R142-16 (Agenda Item A-1):

- Requirements for the posting of meeting notices;
- Handling of complaints against organizational teams;
- Checks and balances between principals and organizational teams;
- Potential abrogation of statutory authority by the Legislature;
- Exemptions from the OML and the definition of "confidential";

- Involvement of parents; and
- Increased transparency for parents, support staff, and teachers.

Chair Roberson emphasized regulations do not become law until they are approved by a majority of the members of the Commission—the Legislature's policymaking body between sessions.

A conversation took place between Assemblywoman Neal and Mr. Skorkowsky pertaining to: (1) whether the money being allocated to the precincts exists within the CCSD budget, and, if not, the source and expenditure of the money; (2) the CCSD's timing for informing local school precincts of the anticipated allocations for the next school year and its effect upon current school budgets; and (3) salary differentials for long-term substitute teacher positions converted to full-time licensed teacher positions.

Assemblywoman Neal and Dr. Canavero discussed Section 34 and its effect upon the minority representation of principals within the CCSD. Dr. Canavero provided assurance that the section does not apply to existing principal positions but rather to the DOE's request to offer adequate support to the new principals and teacher leaders in order to assume the role outlined in the school precinct. Dr. Canavero stated the DOE will likely work with the Commission on Professional Standards in Education, DOE, in establishing preparatory programs and possible licensing refinement.

Dr. Canavero responded to questions concerning: (1) additional funds needed for the implementation of the weighted, student-funding formula and its effect upon current school budgets; and (2) cultural competency in terms of organizational team members, staff, and parents.

Chair Roberson, Senator Ford, and Dr. Canavero discussed the ACLU's concerns regarding exempting organizational teams from the OML. The following points were discussed: (1) the financial argument for the exemption to the OML; (2) the cost for training school precincts in the OML; (3) legal protection for parents under the OML; (4) policy versus the legal ability for the exemption; and (5) retention of parental rights.

Chair Roberson, Senator Atkinson, Senator Ford, Assemblyman Stewart, and Dr. Canavero considered the effects of R142-16 on the schools. The following issues were raised: (1) weighted, student-funding formula calculations; (2) Senate Bill 508 (Chapter 536, *Statutes of Nevada 2015*) and how it relates to reporting information; (3) transparency of per-pupil allocations and school precinct budgets; (4) average teachers' salary versus actual teachers' salary; (5) accountability and redress should the reorganization plan fail; (6) vetting of R142-16; (7) magnitude of the sole responsibility being placed on the Commission;

(8) arguments for and apprehensions to passing R142-16; and (9) the manner in which S.B. 508 was passed.

Chair Roberson empathized with Senator Atkinson's reluctance to vote for or against a regulation of this importance without further deliberation by the entire Legislature. He spoke on the passing of major policy issues during legislative sessions and how sometimes they get passed in a way that is not the most thoughtful or they are not deliberated as much as legislation should be.

Chair Roberson continued that in his six years in the Legislature, he has not seen a bill deliberated as thoroughly as S.B. 508 nor has he ever seen a bill that has created such dramatic change receive unanimous bipartisan support. He stated it does not mean the process ends today, but rather the Advisory Committee will continue to meet for the next two years to oversee the implementation of S.B. 508, and, during the next session, all members will have the opportunity to take a look at the progress of the bill's implementation. Chair Roberson opined as the implementation continues corrections will need to be made because everything cannot be anticipated. He conveyed to Senator Atkinson that he was right to have concerns because the reorganization of the CCSD is a dramatic change.

MOTION: Assemblyman Silberkraus moved to approve R142-16. Assemblyman Stewart seconded the motion. The motion carried.

Chair Roberson recognized Assemblyman Gardner for his contribution in authoring S.B. 508.

Regulation 001-15

A REGULATION relating to pharmacy; revising provisions governing the licensure of a third-party logistics provider; and providing other matters properly relating thereto (Agenda Item IV A-2).

Vice Chair Settlemeyer questioned the appearance of inconsistencies between the requirements of the Drug Supply Chain Security Act and R001-15 concerning licensing of third-party logistics providers (3PLs) and wholesalers, noting it appears the federal government is treating the two groups differently whether they own the product or are simply carrying the product.

J. David Wuest, previously identified, explained the change in regulation does not modify the SBP's licensing process, and all 3PLs in Nevada are licensed with the SBP. He said adding *wholesaler* to the definition of a 3PL assists in legitimizing the transporting of prescription drugs. The SBP has been licensing 3PLs as either wholesalers or warehouses and the federal law requires 3PLs to be licensed simply as 3PLs so it can tell how the drugs are being moved and where. Mr. Wuest referred to a letter from the Healthcare Distribution Management Association, a group of wholesalers and 3PLs who expressed support of the SBPs efforts while

awaiting federal regulations (Agenda Item IV B). He also mentioned a 2014 Reno Gazette-Journal newspaper article about a case involving the sale of illicit cancer medications in Nevada and in other states by 3PLs not licensed in Nevada, emphasizing the need for the regulation.

Vice Chair Settlemeyer and Mr. Wuest discussed the following points: (1) the ramifications on interstate commerce of not approving R001-15; (2) the federal government's delay in passing 3PL licensure regulations and its recognition of state-issued 3PL licenses; (3) the federal government's and the State's distinction between a wholesalers license and a warehouse license; and (4) the argument for not approving R001-15 until the FDA passes 3PL licensing regulations.

Michael D. Hillerby, Director of Legislative Affairs, Kaempfer Crowell, on behalf of the SBP, referenced NRS 639.233 and spoke on the SBP's authority in requiring licensing of wholesalers and entities that operate warehouses and are shipping drugs into Nevada, whether they are from Nevada or out-of-state. He also discussed the SBP's role in protecting the public and its willingness to work with the Legislature in clarifying laws concerning the regulation of out-of-state entities. Mr. Hillerby noted if the Commission does not pass R001-15, the SBP will continue licensing organizations as they do currently.

Vice Chair Settlemeyer surmised the issue is the federal government passed a law that created uniformity, but it has yet to provide guidance on how to carry out that law, which leaves the states in the position of passing different rules and regulations, and creates problems for carriers who operate in multiple states. He stated that is why he is hesitant to pass R001-15 because people who are simply in possession of the drugs are being treated the same as those who own the drugs, which, in his opinion, is a huge difference, especially when dealing with someone from out-of-state. He commented there is potential to find common ground between the SBP and the NTA.

Paul J. Enos, previously identified, explained the NTA's opposition to R001-15. He stated the NTA acknowledges the SBP has the right to license 3PLs in Nevada; however, the federal law created a 3PL license in an attempt to facilitate uniformity across the states and eliminate the need for a "patchwork" of different regulations and licensing requirements. In addition, Mr. Enos said the federal government has preempted states from doing anything that is inconsistent with federal regulations, noting the renewal period for the federal license is three years while Nevada's 3PL licensure is required to be renewed every two years. In Mr. Enos' view, R001-15 does not treat wholesalers and 3PLs differently, noting their activities are similar, but the business models are completely different. He concluded the NTA does not engage in wholesaling.

MOTION: Vice Chair Settlemeyer moved to defer R001-15. Assemblyman Stewart seconded the motion. Senator Hardy was absent for the vote. The motion carried.

Regulation 058-16

A REGULATION relating to controlled substances; establishing standardized procedures for pharmacists furnishing opioid antagonists to certain persons under certain circumstances; authorizing physicians to establish written protocols for the furnishing of opioid antagonists by registered pharmacists; adopting certain requirements for the written protocols established by a physician; requiring certain records to be kept confidential; and providing other matters properly relating thereto (Agenda Item IV A-3).

Vice Chair Settlemeyer expressed concern that more regulations are being applied to the pharmacies rather than trying to keep opioid antagonists away from certain people through other means. He also questioned the regulation's effectiveness to keep drugs out and commented on the additional burdens placed on pharmacists due to additional regulations.

J. David Wuest, previously identified, gave background information on S.B. 459 (Chapter 26, *Statutes of Nevada 2015*) that requires the SBP to create regulations concerning the providing of Narcan, an antidote for the overdose of opioids, directly to patients by pharmacists and without a prescription. He explained that initially there was considerable opposition to the recordkeeping requirements; therefore, the annual reporting requirements were reduced to three items: (1) what drug was given; (2) who gave the drug; and (3) the date the drug was given. Mr. Wuest said the SBP agrees other health care professionals should also be required to collect the data, but the SBP was trying to be proactive by providing regulations for registered pharmacists.

Mr. Wuest and Assemblywoman Benitez-Thompson's briefly discussed a circumstance where there was evidence that illicit cancer drugs were delivered into Nevada by an unlicensed 3PL company. Mr. Wuest commented the matter is the subject of an ongoing investigation.

Vice Chair Settlemeyer stated the SBP indicated it will continue to work with the RAN to mitigate some of the issues. He expressed concern that R058-16 allows for a gigantic loophole by not addressing some items and that he would be voting *no* on the regulation.

MOTION: Assemblyman Hansen moved to defer R058-16. Assemblyman Stewart seconded the motion.

Before the vote, there was discussion between Assemblywoman Benitez-Thompson and Mr. Wuest regarding whether pharmacists would be allowed to give Narcan if the regulation was not passed—Mr. Wuest confirmed pharmacists would be prohibited from giving out the drug.

Chair Roberson was concerned with the SBP's position that the prescribing of the opioid antagonist by pharmacists would be delayed if the regulation was not passed, noting S.B. 459 dealt with the dispensing of an opioid antagonist, not the recordkeeping requirements.

Mr. Hillerby stated S.B. 459 specifically requires the SBP to adopt regulations on the training of pharmacies and pharmacists, which is included in one subset of R058-16.

Assemblyman Hansen requested to withdraw his motion to defer R058-16.

MOTION: Vice Chair Settlemeyer moved to revise the motion to approve R058-16 under the condition the SBP continue to work with the RAN concerning reporting requirements. Assemblyman Hansen seconded the motion. Senator Hardy was absent for the vote. The motion carried.

Regulation 027-16

A REGULATION relating to education; revising requirements for a norm-referenced test that a private school is required to administer to each pupil for whom grant money is provided pursuant to the Nevada Educational Choice Scholarship Program; and providing other matters properly relating thereto (Agenda Item IV A-4).

Dr. Canavero stated the initial regulations to facilitate the Nevada Educational Choice Scholarship Program (NECSP) have been in place for two years; R027-16 clarifies the assessments, their quality, the terms *high validity* and *high content validity*, and the narrowing of the subject areas to comparable areas in public K-12 to English language arts and mathematics.

Senator Denis and Dr. Canavero discussed: (1) the term *norm-referenced test*; (2) the difference between the test administered by private schools and the test administered by public schools; and (3) the ability to make a comparable assessment of student performance.

MOTION: Senator Denis moved to approve R027-16. Senator Ford seconded the motion. Senator Hardy was absent for the vote. The motion carried.

Regulation 037-16

A REGULATION relating to education; approving certain assessments for use to assess a pupil's proficiency in the subject area of reading; providing that certain teachers employed by a school district or charter school are required to complete certain training or professional development; prescribing the duties and responsibilities of a learning strategist; and providing other matters properly relating thereto (Agenda Item IV A-5).

Dr. Canavero provided an overview of the SBE's obligations under S.B. 391 (Chapter 334, *Statutes of Nevada 2015*), which is to: (1) prescribe a list of literacy assessments for students K–3 for use by districts; (2) identify the roles, responsibilities, professional development, training, and duties of a learning strategist, and the interaction between teachers and learning strategists; and (3) combine various programs seeking the same outcome, particularly pertaining to assessments.

Senator Denis and Dr. Canavero discussed the implementation of the Read by 3 Program. Dr. Canavero stated the program is in its second round of funding—the first round was approximately \$5 million; the second round is approximately \$22 million. The DOE has established a statewide literacy plan; provides direct support to the learning strategists in the districts with professional development; and is in the process of hiring a second, full-time staff to support the Program.

Karl Wilson, Programs Supervisor, DOE, expanded on the Program's implementation, emphasizing the development of charter literacy plans by each district and charter school that impact delivery services by schools as well as support when students struggle to meet literacy expectations. He also commented on the training of learning strategists and one assessment that would be comparable from district-to-district and school-to-school in measuring the student effectiveness. The preliminary report from the Phase 1 districts indicated there was a significant decrease in the number of students at risk of not achieving literacy in the primary grades as a result of the interventions.

MOTION: Senator Denis moved to approve R037-16. Senator Ford seconded the motion. Senator Hardy was absent for the vote. The motion carried.

Regulation 148-15

A REGULATION relating to the medical use of marijuana; establishing provisions relating to the use of concentrated cannabis by a medical marijuana establishment; revising provisions relating to the sale of marijuana and related products by a medical marijuana establishment to a person who holds a letter of approval or his or her designated primary caregiver; revising provisions relating to the cultivation, production, handling and labeling of marijuana and related products by a medical marijuana establishment; revising various provisions relating to the licensing and operation of a medical marijuana establishment and medical marijuana establishment agent; authorizing certain activities for research and development purposes by certain medical marijuana establishments; and providing other matters properly relating thereto (Agenda Item IV A-6).

Chair Roberson noted Senator Hardy requested R148-15 be pulled for discussion; however, Senator Hardy was not present.

Cody L. Phinney, M.P.H., Administrator, DPBH, DHHS, in response to a question from Chair Roberson, provided information concerning the status of issues raised by the medical marijuana industry regarding certain aspects of the regulation. She said R148-15 contains improvements to the original regulation, and she assured the Commission the DBPH plans on continuing to work with interested parties concerning the enforcement of regulations and developing a consensus on certain matters.

Chad Westom, previously identified, in response to a question from Assemblyman Stewart, reported on the utilization of successes and concerns from states with medical marijuana laws in establishing regulations. He named several states with which the DPBH works closely in sharing information. Mr. Westom stated the first medical marijuana regulations had a lot in common with Arizona. He said Nevada has some of the most stringent requirements in the country concerning the protection of children and patients, and it continues to explore ways to improve safety.

There was a discussion between Assemblywoman Neal and Mr. Westom pertaining to subsections 1 and 3 of Section 20 regarding the prohibition of individuals with a chronic or debilitating disease who have been issued a registry identification card from being a primary caregiver and the exception thereof. The discussion included Section 68 regarding the testing, retesting, and disposition of usable marijuana that fails a quality assurance test.

MOTION: Vice Chair Settlemeyer moved to approve R148-15. Senator Ford seconded the motion. Assemblywoman Neal voted no. Senator Hardy was absent for the vote. The motion carried.

Regulation 015-16

A REGULATION relating to vessels; revising the requirements for applications for certificates of number and certificates of ownership; revising requirements for the contents of certificates of number and certificates of ownership; revising the contents required in a certificate of number; invalidating and requiring the surrender of a certificate of number under certain circumstances; providing for the assignment of a state hull number to certain vessels; revising certain requirements for the transfer or sale of certain vessels; and providing other matters properly relating thereto (Agenda Item IV A-7).

Tyler Turnipseed, Chief Game Warden, Department of Wildlife (NDOW), and Maureen Hullinger, Management Analyst III, Operations Division, NDOW, confirmed for Vice Chair Settlemeyer that registration is required only for motorized watercraft.

MOTION: Vice Chair Settlemeyer moved to approve R015-16. Senator Silberkraus seconded the motion. Senator Hardy was absent for the vote. The motion carried.

Regulation 023-16

A REGULATION relating to dairy products; revising provisions relating to the production, sale and delivery of dairy products; and providing other matters properly relating thereto (Agenda Item IV A-8).

Anna Vickrey, Operations Manager, Food Safety, State Dairy Commission, State Department of Agriculture, explained to Assemblywoman Neal the purpose for deleting the average of the last four test results for bacterial conditions or cooling temperatures and replacing it with only one, as indicated in subsection 3 of Section 2. She also clarified Section 23 concerning the minimum price for fluid milk and fluid cream to be paid to a producer by a distributor located in the northern Nevada marketing area.

MOTION: Assemblywoman Neal moved to approve R023-16. Senator Denis seconded the motion. Senator Hardy was absent for the vote. The motion carried.

Regulation 053-16

A REGULATION relating to local government finance; excluding certain money from collective bargaining negotiations and from consideration in determining the ability of local governments to pay compensation and monetary benefits; and providing other matters properly relating thereto (Agenda Item IV A-9).

Assemblywoman Benitez-Thompson commented there are no questions concerning R053-16 but rather a desire to have it removed from the consent agenda.

Chair Roberson clarified R053-16 was not on the consent agenda; therefore, the Commission is considering the regulation.

Vice Chair Settlemeyer recognized R053-16 is contentious, that S.B. 168 (Chapter 490, *Statutes of Nevada 2015*) did not receive bipartisan approval, and some Commission members would like to vote *no* on the regulation. He argued R053-16 is about providing clarity and whether it is in line with legislation; it is not about policy. He asked the Legal Division whether the statute would override the regulation and whether the counties would be able to keep 25 percent of the total budgeted expenditures, less capital outlay, for their general funds if the regulation is not approved.

Ms. Erdoes confirmed the statute clearly applies and the 25 percent would be allowed to be withheld.

Chair Roberson questioned whether the language in the regulation is helpful to the implementation of the law. He also reminded members the Commission has a duty to pass regulations so long as they are consistent with the underlying legislation and its intent.

Assemblywoman Benitez-Thompson suggested there is no need to vote on R053-16 if it is overridden by law.

Terry E. Rubald, Deputy Executive Director, Local Government Services, Taxation, stated the Committee on Local Government Finance (Committee) (NRS 354.105), Taxation, concluded the regulation makes a distinction between the two kinds of funds.

Senator Denis questioned whether the distinction between the 8.3 percent and the 25 percent was only in Section 1 of the regulation.

Ms. Rubald pointed out subsection 2 is the original language except it includes *school district general fund or a local government special revenue fund*, and the remainder of the new language is directly from the statute. She indicated if the regulation was not approved, the Committee would go forward, noting there will be some confusion due to people not being aware of the change in statute.

After further discussion, Chair Roberson announced no action would be taken on R053-16.

B. Approval of Session Hires for the 2017 Legislative Session – Susan E. Scholley, Research Director

Ms. Scholley, previously identified, drew the Commission's attention to a memorandum dated September 6, 2016, from Rick Combs, previously identified, regarding session hires for the 2017 Legislative Session (Agenda Item IV C). She indicated 53 positions had been approved as early session hires. Continuing, Ms. Scholley said the Administrative Division is requesting another 24 positions; the Legal Division is requesting 1 more position; and the Research Division is requesting another 4 positions, which brings the total of session hires to 82 as compared to 93 approved for the 2015 Legislative Session. She also pointed out in the memorandum the justification for the upgrade to the Lobbyist Clerk position.

MOTION: Assemblyman Stewart moved to approve the additional 29 session-hire positions for the 2017 Legislative Session. Assemblyman Silberkraus seconded the motion. Senator Hardy was absent for the vote. The motion carried.

C. Approval of an Extension of the September 1, 2016, Deadline for Requesting Bill Draft Requests for the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency (TRPA) and the Marlette Lake Water System (MLWS) (NRS 218E.555) – Senator James Settelmeyer, Vice Chair, Legislative Committee for the Review and Oversight of the TRPA and the MLWS.

Vice Chair Settlemeyer explained the request for extending the bill draft request deadline was primarily due to scheduling conflicts that had delayed the Committee's work session and the fact that the Committee was awaiting a report from a stakeholder group prior to finalizing its requests.

MOTION: Assemblyman Stewart moved to approve extending the bill draft request deadline. Senator Denis seconded the motion. Senator Hardy was absent for the vote. The motion carried.

AGENDA ITEM V—APPOINTMENT OF MEMBERS TO THE NEVADA COMMISSION ON MINORITY AFFAIRS (NRS 232.852) – Susan E. Scholley, Research Director

Susan E. Scholley, previously identified, provided an overview of the appointment of three members and the reappointment of two members to the Nevada Commission on Minority Affairs, Department of Business and Industry, as indicated in a letter from Miriam Lira-Hickerson, Ombudsman, Office of Ombudsman of Consumer Affairs for Minorities (résumés attached) (Agenda Item V A).

Ms. Lira-Hickerson introduced herself and confirmed the number of vacant positions to be appointed as well as the positions available for reappointment.

MOTION: Senator Denis moved to approve the appointment of Janelle Mack, Ender Austin, III, and Gaspar Montanez to the Nevada Commission on Minority Affairs. Senator Ford seconded the motion. Senator Hardy was absent for the vote. The motion carried.

MOTION: Senator Ford moved to approve the reappointment of Jane Lee and Kari A. Emm to the Nevada Commission on Minority Affairs. Senator Atkinson seconded the motion. Senator Hardy was absent for the vote. The motion carried.

AGENDA ITEM VI—PUBLIC COMMENT

Chair Roberson called for public comment; however, no testimony was presented.

AGENDA ITEM VII—ADJOURNMENT

There being no further business to come before the Commission, the meeting was adjourned at 3:18 p.m.

Respectfully submitted,

Debbie Gleason
Secretary for Minutes

APPROVED BY:

Senator Michael Roberson, Chair
Legislative Commission

draft

MEETING MATERIALS

AGENDA ITEM	WITNESS/ENTITY	DESCRIPTION
Agenda Item II A	Carolyn Edwards, Trustee, District F, Clark County School District (CCSD), Chris Garvey, Vice President and Trustee, District B, CCSD, and Patrice Tew, Clerk and Trustee, CCSD	Statement
Agenda Item II B-1	Amanda Morgan, Esq., Legal Director, Educate Nevada Now (ENN), and Sylvia Lazos, Policy Director, ENN	Letter
Agenda Item II B-2	Amanda Morgan, Esq., Legal Director, ENN, and Sylvia Lazos, Policy Director, ENN	Letter
Agenda Item II B-3	Amanda Morgan, Esq., Legal Director, ENN, and Sylvia Lazos, Policy Director, ENN	Letter
Agenda Item II B-4	Amanda Morgan, Esq., Legal Director, ENN, and Sylvia Lazos, Policy Director, ENN	Letter
Agenda Item IV A-1	Legal Division, Legislative Counsel Bureau (LCB)	Adopted Regulation of the State Board of Education (SBE), LCB File No. R142-16
Agenda Item IV A-2	Legal Division, LCB	Adopted Regulation of the State Board of Pharmacy (SBP), LCB File No. R001-15
Agenda Item IV A-3	Legal Division, LCB	Adopted Regulation of the SBP, LCB File No. R058-16
Agenda Item IV A-4	Legal Division, LCB	Adopted Regulation of the Department of Education, LCB File No. R027-16
Agenda Item IV A-5	Legal Division, LCB	Adopted Regulation of the SBE, LCB File No. R037-16

Agenda Item IV A-6	Legal Division, LCB	Adopted Regulation of the Division of Public and Behavioral Health, Department of Health and Human Services, LCB File No. R148-15
Agenda Item IV A-7	Legal Division, LCB	Adopted Regulation of the Board of Wildlife Commissioners, LCB File No. R015-16
Agenda Item IV A-8	Legal Division, LCB	Adopted Regulation of the State Dairy Commission, LCB File No. R023-16
Agenda Item IV A-9	Legal Division, LCB	Adopted Regulation of the Committee on Local Government Finance, LCB File No. R053-16
Agenda Item IV B	Healthcare Distribution Management Association	Letter
Agenda Item IV C	Rick Combs, Director, LCB	Memorandum
Agenda Item V A	Miriam Lira-Hickerson, Ombudsman, Office of Ombudsman of Consumer Affairs for Minorities	Letter (résumés attached)

This set of "Minutes of the Legislative Commission" is an informational service. Meeting materials are on file in the Director's Office of the Legislative Counsel Bureau, Carson City, Nevada.

SUMMARY OF AUDIT REPORTS PRESENTED TO
LEGISLATIVE COMMISSION'S
AUDIT SUBCOMMITTEE

IV.A.

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
401 S. CARSON STREET
CARSON CITY, NEVADA 89701-4747

LEGISLATIVE COMMISSION (775) 684-6800
MICHAEL ROBERSON, *Senator, Chairman*
Rick Combs, *Director, Secretary*

INTERIM FINANCE COMMITTEE (775) 684-6821
PAUL ANDERSON, *Assemblyman, Chairman*
Cindy Jones, *Fiscal Analyst*
Mark Krmptic, *Fiscal Analyst*



RICK COMBS, *Director*
(775) 684-6800

BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6830
ROCKY COOPER, *Legislative Auditor* (775) 684-6815
SUSAN E. SCHOLLEY, *Research Director* (775) 684-6825

October 18, 2016

Members of the Legislative Commission
Legislative Building
Carson City, Nevada

Audit reports of the Legislative Auditor are submitted to the Audit Subcommittee before the reports are presented to the Legislative Commission, as provided for in NRS 218G.240. On October 18, 2016, the Legislative Auditor presented the following reports to the Audit Subcommittee of the Legislative Commission:

- Department of Motor Vehicles
- Office of the Military
- Department of Administration, Division of Human Resource Management, Information Security
- Nevada Department of Wildlife, Information Security
- Department of Business and Industry, Division of Mortgage Lending

Summaries of these reports are enclosed for your review. The Audit Subcommittee recommends the Legislative Commission accept the five reports.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ben Kieckhefer", with a long horizontal flourish extending to the right.

Senator Ben Kieckhefer, Chair
Audit Subcommittee of
the Legislative Commission

Enclosures (5)
BK:sy

Audit Highlights



Highlights of performance audit report on the Department of Motor Vehicles issued on October 18, 2016. Legislative Auditor report # LA16-19.

Background

The Department of Motor Vehicles (DMV) is a multi-functional agency with responsibilities that include the collection and timely distribution of State Highway Fund revenues and improving traffic safety through licensing, registration, monitoring, and intervention programs. It also assists the State in meeting federal air quality standards, ensuring the integrity and privacy of record information, and protecting consumers and businesses against fraud and unfair business practices.

The Department continues to enhance the use of alternative technologies by providing citizens with the option of conducting various routine transactions, such as vehicle registration renewals, through the internet and kiosks. The Department operates 45 kiosks in DMV offices and partner locations statewide to facilitate renewals of vehicle registrations and driver licenses, provide driver history reports, and reinstate registrations after an insurance lapse.

The DMV collects annually more than \$1 billion and distributes funds pursuant to statutory requirements to the State Highway Fund, state agencies, cities, counties, school districts, and other entities.

Purpose of Audit

The purpose of this audit was to determine whether controls over the revenue distribution processes and the DMV accounting system year-end balances are adequate and evaluate the adequacy of internal controls over the process for depositing collected funds. Our audit focused on revenue distribution spreadsheets and DMV Application balances for fiscal years 2010 to 2015 and receipts deposited in fiscal year 2015.

Audit Recommendations

This audit report contains 10 recommendations to improve controls over revenue distributions, accounting records, and the revenue collection process.

The Department accepted the 10 recommendations.

Recommendation Status

The Department's 60-day plan for corrective action is due on January 19, 2017. In addition, the six-month report on the status of audit recommendations is due on July 19, 2017.

Department of Motor Vehicles

Summary

The Department needs to improve its internal controls to ensure the accuracy of accounting and revenue distribution records. Certain nonroutine accounting entries were not always completed as required during the fiscal year-end closing process resulting in significantly misstated DMV accounting records. Additionally, certain significant accounting entries were not adequately supported. Although we did not identify significant instances of incorrect amounts being distributed or distributions to the wrong entity, several billion dollars in adjustments were needed to correct accounting and revenue distributions records dating back to fiscal year 2012. Revenue distribution accounting errors in the DMV Application and state accounting system were not identified by the Department because certain reconciliations of DMV records to the state accounting system were not being completed.

While the Department's internal controls over deposits of funds collected were generally operating effectively, some improvements can be made. Specifically, deposit records were not always closed timely to lock deposit transactions in the DMV Application. Records retention policies were also not followed resulting in the premature disposal of 14% of the deposit packets we selected for testing. Additionally, control processes can be improved over fee overrides, timely deposit of revenues, and safeguarding sensitive payment information in certain program areas. Enhancing these controls will help management ensure funds received, sensitive payment information, and related accounting records are properly safeguarded and processed consistent with established policies and procedures.

Key Findings

For fiscal years 2012 through 2014, certain nonroutine, fiscal year-end accounting entries were not made to maintain accurate accounting records. As a result, asset accounts in the DMV Application and distribution spreadsheets were significantly misstated starting in fiscal year 2013. Specifically, certain cash account balances increased, per the accounting records, to more than \$5.6 billion in fiscal year 2015. In comparison, actual collections in fiscal year 2015 were \$1.3 billion, significantly less than the accounting records reflected. The manual accounting entries were not completed due to inadequate policies and procedures and insufficient supervisory oversight. (page 9)

Two of 16 nonroutine accounting entries in fiscal year 2015 were not adequately supported. Staff indicated the two entries, totaling more than \$100 million, were needed to correct an imbalance between the DMV and state accounting records caused by an accounting error. However, the entries did not contain sufficient information for a reviewer to understand the rationale and justification for the adjustment. The supervisory review process over adjusting accounting entries was also not sufficient to determine the accuracy of and reason for each entry. Additionally, policies and procedures did not include sufficiently detailed requirements for what information should be included to support nonroutine accounting entries. Enhancing policies and procedures and supervisory review will help ensure entries are appropriate and reasons for adjustments can be examined to identify potential systemic issues. (page 10)

We identified various accounting discrepancies between DMV records and the state accounting system from fiscal years 2010 through 2015. These discrepancies were not identified by the Department primarily because only 3 of 24 quarterly account-level reconciliations between the state accounting system and the DMV records were completed from fiscal years 2010 through 2015. The discrepancies identified included misclassifications in the DMV distribution records and miscoded expenditure categories in the state accounting system. The findings in this and the two preceding paragraphs did not result in improper distributions of DMV revenues. (page 13)

The records of deposit transactions in the DMV Application were not always closed timely. Deposit records must be closed in the DMV Application by DMV fiscal staff to lock the transaction in the system, after verification of the accuracy of the deposit record. When not closed, inadvertent or intentional modifications to deposit records in the system could occur. We did not identify any such instances of improper modifications to records in the 350 deposits tested, but the potential for this to occur exists due to untimely closing of records. (page 18)

The DMV did not retain original deposit documentation for 50 of the 350 (14%) selected deposit dates as required by DMV policy. In some instances, the recreated documentation did not provide enough information to determine the date funds were received or the timeliness of deposits. Improved supervisory oversight would help identify deviations from policies designed to protect the integrity of financial accounting records. (page 19)

Audit Highlights



Highlights of performance audit report on the Office of the Military issued on October 18, 2016. Legislative Auditor report # LA16-18.

Background

The Office of the Military (Office) was established to supervise the military affairs of the State of Nevada. The Office is under the direction of the Adjutant General, who also serves as the Commander of the Nevada National Guard. The Nevada National Guard (Guard) is composed of the Army Guard, Air Guard, and state employees. State employees provide administrative, accounting, personnel, firefighting, security, operating, and maintenance services to the Nevada National Guard.

At the close of 2014, the Guard reported having 4,264 members (3,104 Soldiers and 1,160 Airmen). In addition to guard members, the 2015 legislatively approved budget authorized 134 full-time state employees. Funding for the Guard is provided primarily through federal funds and state General Fund appropriations. For fiscal year 2015, General Fund appropriations amounted to \$3.4 million and federal funding totaled \$15.7 million.

Purpose of Audit

The scope of our audit focused on activities from fiscal year 2013 through 2015. However, we performed work in certain areas through calendar year 2015. Our audit objectives were to determine the reliability of performance measures used in the state's budget process and to evaluate the controls in place over contracts, inventory, and the procurement account process.

Audit Recommendations

This audit report contains three recommendations to improve performance measures and seven recommendations to strengthen controls over contracts, inventory, and the procurement account process. The Office of the Military accepted the 10 recommendations.

Recommendation Status

The Office of the Military's 60-day plan for corrective action is due on January 19, 2017. In addition, the six-month report on the status of audit recommendations is due on July 19, 2017.

Office of the Military

Summary

The Office can take steps to improve the accuracy, usefulness, and reliability of its performance measures. The reported measures are not always reliable or adequately documented. In addition, the description provided for one measure is not accurate, and two performance measures may not be useful for decision makers to evaluate the programs' operations. Performance measures must be reliable because they can affect budget and policy decisions made by managers and oversight bodies. Reliability of performance measures can be improved by developing policies and procedures on how the data is collected, how each measure is calculated, and supervisory review to ensure the accuracy of reported results.

The Office can strengthen its controls over (1) contracting activities, (2) maintaining accurate inventory lists of equipment, and (3) monitoring the use of procurement accounts. First, the Office did not compare vendor invoices to contract terms and ensure the contact solicitation process complied with the established policy. Second, the Office did not have a complete inventory list or conduct a reconciliation of the inventory list to its equipment in 2015. Lastly, the Office did not ensure procurement account purchases complied with existing procedures.

Key Findings

The Office did not have adequate documentation to support the reliability of four of the six performance measures tested. The four measures lacking underlying records were maintenance of facilities, units ready for deployment, percent of authorized officer positions filled, and percent of authorized enlisted positions filled. Although the Office maintained a spreadsheet with final numbers for each measure, we could not verify the accuracy of the information since supporting documentation was not retained. Performance measures are not considered reliable unless sufficient underlying records support them. The State Administrative Manual requires agencies to retain the records used in computing performance measures for 3 fiscal years, and to develop written procedures on how the measures are computed. (page 6)

The Office can provide better information to decision makers by improving its performance measures. Three of the six measures reviewed either did not accurately describe the measure presented or could better communicate program operations. For example:

- The measurement for maintenance of facilities is described as the number of work orders completed within the customer's requested timeline. However, the data did not include all work orders, and the reported measure did not include whether the work orders were completed within the customer's requested timeline.
- The measure for tuition assistance reports the number of claims processed in a fiscal year, but additional information on program benefits is not provided. Tuition assistance has been described as providing up to 100% of the credit hour costs for summer school tuition. However, all 93 tuition reimbursement claims were paid at 74% for the 2015 summer school session.
- The measure for the Patriot Relief Account reports the number of economic hardship claims processed, but does not provide information on textbook reimbursements or life insurance premium reimbursements. The Account was created to reimburse Guard members for certain text books and life insurance premiums, as well as assist with economic hardships. (page 6)

The Office lacks controls over payments for contracted maintenance services because it does not have a process to ensure vendor invoices are compared to contract terms. As of October 2015, the Office managed 68 contracts totaling \$12.4 million. The majority of the contracts (65%) were for maintenance services, including 6 of the 10 contracts we tested. Five of the six routine maintenance services contracts did not include pricing schedules or base rates. In addition, the Office does not comply with the established contract solicitation policy. Solicitation documents for all 10 contracts tested did not include evidence of review and approval of the scope of work and evaluation criteria in accordance with the established policy. (page 9)

The Office's statewide inventory listing was incomplete. As of December 17, 2015, the inventory list included 485 items totaling \$4.2 million. Our testing identified nine items purchased by the Army Guard through the state accounting system between fiscal years 2013 and 2015 and not added to the inventory list. The value for the nine items totaled \$281,000. (page 12)

The Office does not comply with established reconciliation procedures for procurement account purchases. The Office manages two procurement accounts for hardware stores and one for fuel. Our testing found a lack of compliance with existing procedures and the need for additional controls. (page 13)

Audit Highlights



Highlights of performance audit report on the Department of Administration's Division of Human Resource Management, Information Security issued on October 18, 2016. Legislative Auditor report # LA16-15.

Background

The Division of Human Resource Management is within the Department of Administration. The mission of the Division is to provide exceptional human resource services with integrity, respect, and accountability. The Division is divided into seven sections which provide services to state employees, state agencies, and the general public.

The Division has two offices, one in Carson City and the other in Las Vegas.

The state Department of Personnel became the Division of Human Resource Management, within the Department of Administration, during a State government reorganization that became effective in July of 2011. The Division was authorized 75 full-time equivalent employees and had expenditures of \$7.9 million in fiscal year 2015.

The Division has no information technology staff of its own. The Division relies on the Division of Enterprise Information Technology Services for all of its information technology support.

Purpose of Audit

The purpose of our audit was to determine if the Division of Human Resource Management has adequate information security controls in place to protect the confidentiality, integrity, and availability of its information and information processing systems. Our audit covered the systems and practices in place from March to August of 2015.

Audit Recommendations

This audit report contains 11 recommendations to improve the security over the Division's information systems. The Division of Human Resource Management accepted the 11 recommendations.

Recommendation Status

The Division of Human Resource Management's 60-day plan for corrective action is due on January 19, 2017. In addition, the six-month report on the status of audit recommendations is due on July 19, 2017.

Division of Human Resource Management, Information Security

Department of Administration

Summary

Confidential information about state employees was stored unencrypted in the Division's databases, increasing the risk of unauthorized access of this information. State security standards require that confidential personal data be encrypted whenever possible. In addition, weaknesses exist in managing network users. These weaknesses include not disabling former employee computer accounts when they leave Division employment and some staff had not completed their annual information technology security awareness training.

Desktop computers used by Division employees lacked adequate virus protection and were missing Windows operating system security updates. In addition, some of the Division's servers lacked adequate virus protection and contained security vulnerabilities due to missing operating system updates. These deficiencies make computers more vulnerable.

Controls were not in place to ensure sensitive information stored in the Division's photocopiers was erased. Office copiers contain hard drives that store information. This data must be deleted prior to the photocopiers being replaced or there is a risk that the sensitive information could remain on the copiers' hard drives when they leave Division control.

Key Findings

Confidential information about state employees was stored unencrypted in the Division's databases, increasing the risk of unauthorized access of this information. One database contained Social Security numbers of over 145,000 current and former state employees and their beneficiaries. State security standards require that confidential personal data be encrypted whenever possible. However, this confidential personal information was not encrypted in the Division's databases. Enterprise Information Technology Services (EITS) support staff, who manage the Division's databases, indicated they were not aware that there was a requirement to encrypt this information. (page 3)

Weaknesses exist in managing network users. We identified 42 computer accounts of former staff among the 179 Division computer user accounts whose network credentials (login identification and passwords) had not been disabled. Thirty-one of these former employees had been gone for over one year. One employee had been gone almost 10 years. Untimely disabling of former employees' network credentials increases the risk that someone could gain unauthorized access to the state's information and systems. (page 4)

Five of the Division's 77 staff had not completed their annual security awareness training. State security standards require that state employees each receive annual information technology security awareness refresher training to ensure they stay aware of current security threats as well as understanding their responsibility to keep state information confidential. (page 5)

Desktop computers lacked adequate virus protection. Seven of the Division's 85 computers did not have adequate virus protection installed. State security standards require that virus protection software be updated regularly to retain protection from evolving online threats. Without current virus protection installed, computers could become infected with malicious software. (page 6)

Seventeen of the Division's 85 computers were not receiving Windows operating system updates on a regular basis. Operating system updates are released monthly by Microsoft. State security standards require updates be installed timely to fix security vulnerabilities. Computers without current software security patches installed represent weaknesses in a computer network that can be exploited by a malicious entity to gain unauthorized access to state computer resources and sensitive data stored on them. (page 6)

Some servers had vulnerabilities. For example, one of the Division's four servers did not have virus protection software installed. Without current virus protection software installed, servers could become infected with malicious software. In addition, three of the four servers had critical or high-level vulnerabilities due to missing Windows operating system updates. Without installation of these software patches, computers remain vulnerable to online threats. (page 8)

The Division's office copiers were not configured to securely process confidential information. Four of the Division's six photocopiers did not have the Immediate Image Overwrite function enabled as required by state security standards. This function configures the device to erase the processed job immediately after the copy, scan, or fax job is completed, thereby reducing the likelihood of any confidential information being stored on the copier's hard drive. (page 10)

Audit Division

Legislative Counsel Bureau

Audit Highlights



Highlights of performance audit report on the Nevada Department of Wildlife, Information Security issued on October 18, 2016. Legislative Auditor report # LA16-17.

Background

The mission of the Nevada Department of Wildlife (Department) is to protect, preserve, manage, and restore wildlife and its habitat for the aesthetic, scientific, educational, recreational, and economic benefits to citizens of Nevada and the United States, and to promote the safety of the persons using vessels on the waters of Nevada.

The Department has eight office locations statewide with one in Elko, Ely, Fallon, Henderson, Las Vegas, Winnemucca, and two offices in Reno.

The Department has three information technology employees who provide support for these various statewide locations.

For fiscal year 2016, the Department was authorized 249 full-time employees statewide. In addition, the Department had authorized expenditures of over \$61 million during 2015.

Purpose of Audit

The purpose of our audit was to determine if the Department has adequate information security controls in place to protect the confidentiality, integrity, and availability of its information and information processing systems. The audit focused on the systems and practices in place from December 2015, through June of 2016.

Audit Recommendations

This audit report contains four recommendations to improve the security of the Department's information systems.

The Department accepted the four recommendations.

Recommendation Status

The Department's 60-day plan for corrective action is due on January 19, 2017. In addition, the six-month report on the status of audit recommendations is due on July 19, 2017.

Information Security

Nevada Department of Wildlife

Summary

The Department can improve its information security controls in several areas. The Department needs to improve security over laptop computers. The computers of 43 game wardens contain confidential, unencrypted information such as credit card information. In addition, all of the Department's 17 servers lacked virus protection software. Without current virus protection software, servers could become infected with malware such as computer viruses. Furthermore, a faulty antivirus software installation prevented the Department from monitoring the status of virus protection on many computers. Finally, we identified 95 Department staff who had not completed their annual security awareness training. State security standards require all employees to have security awareness training at least annually.

Key Findings

Each of the Department's 43 game wardens in the Law Enforcement Division have a laptop computer containing unencrypted confidential information. This confidential information can contain unencrypted Personal Identifying Information (PII). For example, some case files contain driver's license numbers and credit card or other payment information. State Security Standards require that all sensitive information, including PII, be encrypted. (page 6)

All of the Department's 17 servers lacked virus protection software. State security standards require all computer systems to have current virus protection software installed. Without current virus protection software installed, servers could become infected with malicious software. According to the agency, when they converted to the Enterprise Information Technology Services, Enterprise Symantec Endpoint Protection (SEP) rollout, the rollout included virus protection software licenses for desktop and laptop computers, but not for servers. Therefore, the Department's servers were without virus protection. (page 7)

The Department's Information Technology (IT) support staff could not monitor the status of virus protection of many of the computers on the network. This was caused by faulty installation of software on at least 71 desktop computers. The faulty software installation prevented these computers from communicating with the virus protection management console that is used by IT staff to monitor the virus protection status of computers on its network. The information provided by the management console allows the IT staff to intervene when the virus protection software, or the daily virus definition updates, malfunction. The Department's IT staff were not aware of the failed software installations until our audit identified two computers without virus protection that did not appear on their virus protection management console. During inquiry as to why these two computers did not show up on the management console, the larger virus protection software installation problem was identified. This faulty installation affected at least 71 of the 220 computers on the Department's network. A small number of these 71 computers were missing virus protection software. (page 8)

We identified 95 of 236 current Department staff had not completed their annual security awareness training. State security standards require all state employees to have security awareness refresher training at least annually. State employees receive annual IT security awareness training to ensure they remain aware of current security threats as well as to understand their responsibility to keep state information confidential. Without completing such training, there is a greater risk that employees will not properly protect the information and information systems to which they have access. Department staff indicated that some employees did not heed the email notification to take the training. In addition, they indicated that other employees, who typically work in field locations without internet access, have a more difficult time conducting the web-based training. The Department should consider having its seasonal employees, who frequently use state computers, also take this training. (page 10)

Audit Highlights



Highlights of performance audit report on the Division of Mortgage Lending issued on October 18, 2016. Legislative Auditor report # LA16-16.

Background

The mission of the Division of Mortgage Lending (Division) is to promote and grow Nevada's non-depository mortgage lending and related industries through implementation and enforcement of laws; to protect industry and consumer interests and safeguard the public trust by creating a regulatory climate that fosters a competitive level playing field and advances professionalism, education, compliance, and ethics in the mortgage lending and related industries; and to provide a thorough and fair consumer complaint resolution process.

The Division licenses and regulates mortgage brokers, agents, bankers, escrow agencies, and covered service providers. It has one office located in Las Vegas, with the licensing and fiscal functions centralized at the Department in Carson City. The Division has one budget account, which is self-funded, primarily by license and examination fees, as well as industry assessments. In fiscal year 2016, the Division had 19 authorized positions.

The Division must conduct examinations of each licensed mortgage broker, mortgage banker, escrow agency, and covered service provider it regulates. Upon completion of an examination, the examiner prepares the examination report and assigns a rating to the licensee on a scale from "1" to "5", denoting the best to the worst ratings.

Purpose of Audit

The purpose of this audit was to determine if the Division performed timely examinations of mortgage companies and has adequate controls over the examination fee billing process. Our audit focused on examination and billing activities conducted from July 2014 through December 2015, and included fiscal year 2016 in some instances.

Audit Recommendations

This audit report contains two recommendations to improve activities related to compliance examinations of mortgage companies. The Division accepted the two recommendations.

Recommendation Status

The Division's 60-day plan for corrective action is due on January 19, 2017. In addition, the six-month report on the status of audit recommendations is due on July 19, 2017.

Division of Mortgage Lending

Department of Business and Industry

Summary

The Division of Mortgage Lending (Division) continues to have problems completing timely examinations of most mortgage companies it regulates. An inadequate staffing plan coupled with employee turnover led to the Division's inability to meet its statutory mandate to perform examinations. Although problems persist since our prior audit, the Division's implementation of additional controls over the examination process has helped reduce the number of unexamined licensees. However, the Division needs to take steps to ensure it maintains appropriate staffing levels before it can achieve and sustain compliance in completing all required examinations.

The Division needs to address inconsistencies in its billing practices for examination fees. Examiners' time is frequently recorded as non-billable hours, resulting in wide fluctuations in the percentages of hours that are billed to licensees. Because of inconsistent practices, many examination hours are not billed to licensees, and billing disputes can occur. By implementing written procedures for the tracking and billing of examiners' time, the Division can help ensure consistent billing practices and reduce its potential for subsequent billing problems.

Key Findings

The Division did not perform required examinations timely for most of the 238 licensed mortgage companies it regulates. Over the 18-month period ended December 31, 2015, 58% of licensees either were not examined or had untimely examinations. Furthermore, as of December 31, 2015, examinations for 124 licensees were past due by an average of 13 months. (page 4)

Examiners did not conduct timely follow-up examinations for 14 of 22 licensees (64%) that had adverse ratings on their most recent examinations. For these 14 high-risk licensees, the follow-up examinations averaged 5 months past due but some went unexamined for longer periods of time. Timely follow-up with licensees that receive adverse ratings is important to help ensure they implement appropriate corrective action. The Division may conduct limited scope examinations when following up on these licensees. Performing a limited scope examination in these situations conforms to best practices for regulatory programs by focusing on the specific areas of concern from the prior examination. (page 6)

The Division needs to address its staffing issues before efforts to reduce the examination backlog will be effective. An inadequate staffing plan coupled with employee turnover directly affected examination timeliness. Specifically, the Division does not use workload projections to determine the number of examiner positions it needs. In addition, during 2015, four of seven examiner positions (57%) had turnover, and one examiner position remained unfilled for nearly 10 months as of March 31, 2016. Until the Division develops and utilizes a plan for determining the proper number of examiner positions it needs and fills vacancies timely, it will likely continue to fall short of its statutory mandate to examine all licensees. (page 7)

The Division does not use a consistent method for recording billable examination hours to licensees. Examination fees billed to licensees were inconsistent due to variances in allocations of examiners' time between billable and non-billable hours. This inconsistent billing practice occurred because staff do not have written guidelines for determining how much of the time they spend on examinations should be billed to the licensee. During fiscal year 2015, examiners' timesheets showed 2,252 hours were non-billable, which is 37% of their total examination hours. Therefore, about \$135,000 was not billed based upon the timesheet allocations to non-billable hours. For 25 examinations we tested, allocations of the examination time to billable hours ranged from 42% to 100% of the total examination hours. (page 10)

IV.B.

SUMMARY OF SIX-MONTH STATUS REPORTS ON
THE IMPLEMENTATION OF THE AUDIT
RECOMMENDATIONS BY THE LEGISLATIVE AUDITOR
AS SUBMITTED TO THE AUDIT
SUBCOMMITTEE

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
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October 18, 2016

Members of the Legislative Commission
Legislative Building
Carson City, Nevada

Six-month reports on the implementation of the audit recommendations made by the Legislative Auditor are submitted to the Audit Subcommittee before being submitted to the Legislative Commission. This is provided for in NRS 218G.270. Regulations were adopted by the Legislative Commission and procedures are followed by the Audit Subcommittee to provide for this process.

The Audit Subcommittee reviewed six, six-month reports on October 18, 2016. The following schedule summarizes the implementation status of the audit recommendations as reported in the six-month reports reviewed by the Audit Subcommittee.

Agency Audited	Fully Implemented	Partially Implemented	No Action	Total
Department of Public Safety, Nevada Highway Patrol	2	5		7
Office of the State Treasurer, Unclaimed Property Program	7	1		8
Department of Business and Industry, Manufactured Housing Division	9	2		11
Department of Public Safety, Capitol Police	2			2
Department of Tourism and Cultural Affairs, Division of Museums and History		7		7
Office of the Attorney General	6			6
Total	26	15		41

The Audit Subcommittee recommends the Legislative Commission accept the six, six-month status reports.

Respectfully presented,

Senator Ben Kieckhefer, Chair
Audit Subcommittee of the
Legislative Commission

BK:sy

**Legislative Auditor Analysis of Six-Month
Reports Presented to the Audit Subcommittee
October 18, 2016**

<u>Agency</u>	<u>Implementation Status</u>				<u>Analysis of Progress and Audit Subcommittee Action</u>
	<u>As Reported in Six-month Report</u>		<u>As of October 18, 2016</u>		
Department of Public Safety, Nevada Highway Patrol	Full	2	Full	6	Agency anticipates fully implementing the remaining recommendation in late November 2016.
	Partial	5	Partial	1	
	No Action	-	No Action	-	
	Totals	7	Totals	7	
Office of the State Treasurer, Unclaimed Property Program	Full	7	Full	8	Agency testifies the remaining recommendation is fully implemented.
	Partial	1	Partial	-	
	No Action	-	No Action	-	
	Totals	8	Totals	8	
Department of Business and Industry, Manufactured Housing Division	Full	9	Full	10	Follow-up work shows one recommendation is fully implemented. Agency anticipates fully implementing the remaining recommendation by late December 2016.
	Partial	2	Partial	1	
	No Action	-	No Action	-	
	Totals	11	Totals	11	
Department of Public Safety, Capitol Police	Full	2	Full	2	All recommendations fully implemented.
	Partial	-	Partial	-	
	No Action	-	No Action	-	
	Totals	2	Totals	2	
Department of Tourism and Cultural Affairs, Division of Museums and History	Full	-	Full	6	Follow-up work shows six recommendations are fully implemented. Agency anticipates fully implementing the remaining recommendation by late November 2016.
	Partial	7	Partial	1	
	No Action	-	No Action	-	
	Totals	7	Totals	7	
Office of the Attorney General	Full	6	Full	6	All recommendations fully implemented.
	Partial	-	Partial	-	
	No Action	-	No Action	-	
	Totals	6	Totals	6	
Meeting Totals	Full	26	Full	38	
	Partial	15	Partial	3	
	No Action	-	No Action	-	
	Totals	41	Totals	41	

REQUEST FOR APPROVAL OF BASIC AUDIT
PROGRAM

IV.C.

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
401 S. CARSON STREET
CARSON CITY, NEVADA 89701-4747



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August 30, 2016

Members of the Legislative Commission
Legislative Building
Carson City, Nevada

REQUEST FOR APPROVAL TO PERFORM AUDITS

Schedule 1 lists the audits we currently have in progress. In accordance with NRS 218E.205, we are requesting your approval to continue these audits as we may not be able to present all of them to the Audit Subcommittee of the Legislative Commission by the start of the 2017 Session.

In accordance with NRS 218G.120, we are requesting your approval of a basic audit program, which is set forth in Schedule 2. For agencies with several major programs, we may perform more than one audit for the agency listed. The timing as to when we can start the audits is contingent upon the availability of audit staff and additional requirements that may be placed upon the Audit Division by the Legislative Commission and the Legislature.

The proposed audits were selected using a risk assessment process. This process considered such factors as the length of time since the last audit, amount of agency revenues and expenditures, legislative and public interest, prior problems, and agency or program complexity. Audits are designed to provide information to improve public accountability and facilitate decision making by the Legislature and those responsible for corrective action. Audit objectives may include determining if an agency is operating in an economical or efficient manner, or determining the extent to which a program achieves a desired level of program results. Audit objectives can also include evaluating agencies' compliance with laws and regulations, and determining if appropriate information technology security controls are in place to protect sensitive information against unauthorized use.

Respectfully requested,

A handwritten signature in black ink, appearing to read "Rocky Cooper".

Rocky Cooper, CPA
Legislative Auditor

RC:sy
Enclosures

Legislative Counsel Bureau
Audit Division
Audits in Progress
August 30, 2016

Schedule 1

- Department of Administration — Hearings Division
- Department of Education — Class Size Reduction (A.B. 278)
- Department of Health and Human Services — Aging and Disability Services Division
- Division of Public and Behavioral Health — Medical Marijuana Program
- Department of Public Safety — Investigations Division
- Report on the Count of Money in State Treasury
- Review of Governmental and Private Facilities for Children
- Statewide Single Audit
- Department of Wildlife

Legislative Counsel Bureau
Audit Division
Proposed Audits
September 2016 through December 2018

Schedule 2

Department of Administration

- Division of Enterprise Information Technology Services
- Public Works Division
- Purchasing Division

Department of Business and Industry

- Financial Institutions
- Housing Division
- Division of Industrial Relations
- Real Estate Division

Department of Conservation and Natural Resources

- Division of Environmental Protection
- Division of Forestry
- Division of State Parks

Department of Corrections

Department of Employment, Training and Rehabilitation

- Employment Security Division

Gaming Control Board

Department of Health and Human Services

- Director's Office
- Division of Health Care Financing and Policy
- Division of Public and Behavioral Health
- Division of Welfare and Supportive Services

Department of Taxation

REVIEW OF ADMINISTRATIVE REGULATIONS
SUBMITTED

V. A.

**REGULATIONS TO BE REVIEWED AT THE NEXT
MEETING OF THE LEGISLATIVE COMMISSION'S
SUBCOMMITTEE TO REVIEW REGULATIONS**

November 2, 2016

(These regulations will not become effective unless approved by the Legislative Commission)

(This list may be amended to add additional regulations; the links will be activated and further details added when a regulation is available for viewing)

(A=Adopted; RA=Revised Adopted; P=Proposed; RP=Revised Proposed;
S=Informational Statement; B=Small Business Impact Statement)

All of the information is provided in Adobe PDF format; you will need Acrobat Reader to view these files.

**STATE AGENCY REGULATIONS TO BE REVIEWED
BY THE LEGISLATIVE COMMISSION**

REGULATIONS SUBMITTED PURSUANT TO NRS 233B.067:		
LCB NO.	NAC	AGENCY/ SUBJECT
2014 REGULATIONS		
<u>R106-14A</u> <u>R106-14S</u> <u>R106-14B</u>	637	BOARD OF DISPENSING OPTICIANS A REGULATION revising provisions governing dispensing opticians CONTACT: Corinne Sedran 775.689.0132
2015 REGULATIONS		
<u>R062-15A</u> <u>R062-15S</u> <u>R062-15B</u>	368A	NEVADA TAX COMMISSION A REGULATION revising provisions governing the tax on live entertainment CONTACT: George Hritz 775.684.2059 Shellie Hughes 775.684.2176
<u>R067-15A</u> <u>R067-15S</u> <u>R067-15B</u>	451 642	NEVADA FUNERAL AND CEMETERY SERVICES BOARD A REGULATION revising various provisions relating to funerals, cemeteries and crematories CONTACT: Jennifer Kandt 775.825.5535 or 775.232.1751

R104-15A R104-15S R104-15B	368A	NEVADA GAMING COMMISSION A REGULATION revising provisions governing the tax on live entertainment provided at a facility that is located on the premises of a licensed gaming establishment CONTACT: Edward Magaw 702.486.3082
R108-15A R108-15S R108-15B	388B	DEPARTMENT OF EDUCATION A REGULATION establishing provisions governing achievement charter schools CONTACT: Brett Barley 775.687.9223
R109-15A R109-15S R109-15B	385	STATE BOARD OF EDUCATION A REGULATION revising provisions governing turnaround schools CONTACT: Brett Barley 775.687.9223
R137-15A R137-15S R137-15B	372	NEVADA TAX COMMISSION A REGULATION establishing provisions relating to the imposition, collection and remittance of sales and use taxes by retailers located outside this State CONTACT: George Hritz 775.684.2059 Shellie Hughes 775.684.2176
2016 REGULATIONS		
R017-16A R017-16S R017-16B	284	PERSONNEL COMMISSION A REGULATION revising certain definitions for the purposes of the provisions governing attendance and leave of employees in the public service CONTACT: Shelley Blotter 775.684.0105
R021-16A R021-16S R021-16B	391	STATE BOARD OF EDUCATION A REGULATION revising provisions governing domain weightings and student achievement CONTACT: Dena Durish 702.668.4302
R033-16A R033-16S R033-16B	440 442	STATE BOARD OF HEALTH A REGULATION revising provisions relating to the required testing of infants born in this State for certain preventable or inheritable disorders CONTACT: Beth A. Handler 775.684.5902
R052-16A R052-16S R052-16B	392 394 441A	STATE BOARD OF HEALTH A REGULATION revising provisions governing immunizations required to attend public and private schools and universities in this State CONTACT: Karissa Loper 775.684.3209
R059-16A R059-16S R059-16B	449	STATE BOARD OF HEALTH A REGULATION revising provisions relating to obstetric centers CONTACT: Leticia Metherell 775.684.1045

<u>R065-16A</u> <u>R065-16S</u> <u>R065-16B</u>	387	STATE BOARD OF EDUCATION A REGULATION revising provisions relating to calculating pupil enrollment for the purpose of computing the basic support guarantee for each school district CONTACT: Roger Rahming 775.687.9175
<u>R066-16A</u> <u>R066-16S</u> <u>R066-16B</u>	440	STATE BOARD OF HEALTH A REGULATION revising provisions relating to homebirths CONTACT: Jason Lewis 775.684.4162 Chad Westom 775.684.4155
<u>R071-16A</u> <u>R071-16S</u> <u>R071-16B</u>	616B	COMMISSIONER OF INSURANCE A REGULATION revising various provisions governing self-insured employers CONTACT: Terri Chambers 775.687.0777 Sherri Abeyta 775.687.0775 Shirley Choma 775.687.0776
<u>R072-16A</u> <u>R072-16S</u> <u>R072-16B</u>	616B	COMMISSIONER OF INSURANCE A REGULATION revising provisions governing determinations of tangible net worth CONTACT: Terri Chambers 775.687.0777
<u>R075-16A</u> <u>R075-16S</u> <u>R075-16B</u>	683A	COMMISSIONER OF INSURANCE A REGULATION revising various changes relating to the administration or sale of insurance CONTACT: Terri Chambers 775.687.0777 Sherri Abeyta 775.687.0775 Shirley Choma 775.687.0776
<u>R076-16A</u> <u>R076-16S</u> <u>R076-16B</u>	284	PERSONNEL COMMISSION A REGULATION establishing provisions governing internal administrative investigations and notice regarding disciplinary action CONTACT: Shelley Blotter 775.684.0105
<u>R077-16A</u> <u>R077-16S</u> <u>R077-16B</u>	440	STATE REGISTRAR OF VITAL STATISTICS A REGULATION revising the schedule of fees charged by the State Registrar of Vital Statistics CONTACT: Jason Lewis 775.684.4162 Chad Westom 775.684.4155
<u>R079-16A</u> <u>R079-16S</u> <u>R079-16B</u>	681A	COMMISSIONER OF INSURANCE A REGULATION revising provisions governing certified reinsurers CONTACT: Omar Akel 775.687.0743
<u>R080-16A</u> <u>R080-16S</u> <u>R080-16B</u>	694C	COMMISSIONER OF INSURANCE A REGULATION revising provisions relating to captive insurers CONTACT: Mike Lynch 775.687.0758
<u>R081-16A</u> <u>R081-16S</u> <u>R081-16B</u>	686A, 687B 695C, 695D	COMMISSIONER OF INSURANCE A REGULATION revising the filing requirements for certain reports CONTACT: Kim Everett 775.687.0735

<u>R084-16A</u> <u>R084-16S</u> <u>R084-16B</u>	445B	STATE ENVIRONMENTAL COMMISSION A REGULATION revising provisions governing the adoption by reference of certain provisions of federal regulations relating to air quality CONTACT: Dave Emme 775.687.9301
<u>R085-16A</u> <u>R085-16S</u> <u>R085-16B</u>	445B	STATE ENVIRONMENTAL COMMISSION A REGULATION revising provisions governing permitting and reporting requirements regarding air pollution CONTACT: Dave Emme 775.687.9301
<u>R091-16A</u> <u>R091-16S</u> <u>R091-16B</u>	444	STATE ENVIRONMENTAL COMMISSION A REGULATION revising provisions concerning certain federal regulations adopted by reference relating to hazardous waste CONTACT: Dave Emme 775.687.9301
<u>R097-16A</u> <u>R097-16S</u> <u>R097-16B</u>	284	PERSONNEL COMMISSION A REGULATION revising provisions relating to the reassignment of certain state employees CONTACT: Shelley Blotter 775.684.0105
<u>R098-16A</u> <u>R098-16S</u> <u>R098-16B</u>	486A	STATE ENVIRONMENTAL COMMISSION A REGULATION revising provisions relating to alternative fuels CONTACT: Dave Emme 775.687.9301
<u>R100-16A</u> <u>R100-16S</u> <u>R100-16B</u>	284	PERSONNEL COMMISSION A REGULATION revising provisions governing certain appeals to the Personnel Commission CONTACT: Shelley Blotter 775.684.0105
<u>R103-16A</u> <u>R103-16S</u> <u>R103-16B</u>	378	STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS ADMINISTRATOR A REGULATION revising provisions relating to the submission of publications to the State Library, Archives and Public Records CONTACT: Kathy Edwards 775.684.3329
<u>R106-16A</u> <u>R106-16S</u> <u>R106-16B</u>	459 590	STATE ENVIRONMENTAL COMMISSION A REGULATION Revising various provisions relating to underground storage tanks CONTACT: Dave Emme 775.687.9301
<u>R123-16A</u> <u>R123-16S</u> <u>R123-16B</u>	459	STATE ENVIRONMENTAL COMMISSION A REGULATION revising provisions relating to certification of certain consultants and contractors CONTACT: Dave Emme 775.687.9301

RECOMMENDATIONS FOR THE ELIMINATION OF
OBSOLETE OR REDUNDANT REPORTS TO THE
LEGISLATURE AND THE REVISIONS OF
REPORTING REQUIREMENTS

**Reports to the Nevada Legislature
(including Legislative Commission, Legislative Committees, and LCB Director)
Enacted 1923 – 2014**

NRS	Reporting Entity	Subject of Report	Due Date	Receiving Entity	Enacted
1.360(10)	Administrative Office of the Courts (AOC)	Case statistics for district and municipal courts and JPs/specialty courts status and statistics	Annual – due January 1	LCB Director	1999
4.020	Justices of the peace	Unwarranted increase in number of JPs	Biennial in off-session year – due March 15 (if applicable)	Legislature	1965
62G.470	DHHS/Juvenile courts	Special supervision program – compilation of semi-annual juvenile courts' reports on results	Biennial in session year – start of session	Legislature	2003
176.0125	Advisory Commission on Administration of Justice	Recommendations	Biennial in off-session year – due September 1	Legislature	1995
179.1187	Law enforcement agency chief	Proceeds from forfeitures to school district - books/computers	Biennial in session year – due January 1	LCB Director	1989
179A.350	Central Repository	Domestic violence orders	Annual – due July 1	LCB Director	1997
179A.450	Department of Public Safety	Statistics on crimes against older persons	Annual – due July 1	Legislature	2007
179D.136	Advisory Committee to Study Sex Offender Registration	Recommendations for legislation and committee's activities	Biennial in off-session year – due September 1	Legislative Commission	2009
209.461	Department of Corrections	Contracts with private employers for prisoner employment	Every 5 years – starting January 1, 2014	Legislature/ Committee on Industrial Programs	2013
209.4818	Committee on Industrial Programs	Accounts receivable for prisoner employment programs Current and proposed prison industry programs	Every meeting Semi-annual – due July 1 and December 1	IFC IFC	2001
209.4818	Committee on Industrial Programs	Anything deemed relevant related to prison industries	No specific due date – as Committee deems	Legislature	2001

				appropriate		
213.10885	Parole Commissioners	Conflicting decisions, changes and review of Board's standards		Biennial in session year – Due January 1	Legislature	1989
217.250	State Board of Examiners	Aid to Victims of Crime – amount, applicants, status		Biennial in session year – due date not specified	Legislature	1969
217.460	DCFS, DHHS	Assistance grants to domestic violence victims – status and evaluation of effectiveness		Biennial in session year – due date not specified	Legislature	1981
223.190	Governor	Gubernatorial appointments		Biennial in session year – due date not specified	Legislature	1866
226.120	Treasurer	Operations of office		Annual – due w/in 60 days after end of fiscal year	Legislative Commission; Governor	1965*
227.110	Controller	Statement of revenue, debt, etc.		Annual – due date not specified	Legislature; Governor	1965*
228.165	Attorney General (AG)	Index of Supreme Court rulings on constitutionality		Biennial in off-session year – due September 1	Legislative Counsel	2013
228.470	Committee on Domestic Violence	Activities and recommendations		Biennial in session year – due March 1	Legislature	1997
228.490	Council for Prevention of Domestic Violence – AG	Findings, recommendations, and judges' comments		Biennial in session year – due February 15	Legislature	2005
228.820	Substance Abuse Working Group - AG	Findings, recommendations		Biennial in session year – due January 15	Legislature	2011
231.0685	GOED	Tax abatements		Biennial in session year – due January 15	Legislature	1999
231.14075	GOED	Summary of reports to GOED on emerging small businesses		Annual – due September 15	Legislature/IFC; Governor	2013
231.1577	GOED	Catalyst Fund		Annual – due November 1	IFC/Legislature; Governor	2011
231.1595	GOED	Knowledge Fund		Annual – due November 15	IFC/Legislature; Governor	2011
232.224	Office of Grant Procurement, Coord. &	Activity relating to grants		Biennial in session year – due January 1	Legislature	2011

	Management (Governor)	Activities, recommendations	Biennial in session year – due March 1	Legislature; Governor	2005
232.479	DHHS – Office of Minority Health	Activities, recommendations	Biennial in session year – due March 1	Legislature; Governor	2005
233.080	Equal Rights Commission – DETR	Activities	Biennial in session year – due January 15	Each legislator; Governor	1961
233B.050	Each State agency	Review of agency regulations	At least every 10 years	Legislature (via Legislative Counsel)	1965
239C.200	Homeland Security Commission	Activities and closed meetings	Annual – due February 15	Legislative Commission/ appropriate session committees	2003
242.105	Department of Enterprise Technology, Information Services	Confidential documents relating to terrorism	Annual – due February 15	Legislative Commission/ appropriate session committees	2003
244.2962	Clark County	Ambulance statistics – e.g. fees, insurance, receiving entity	Quarterly (calendar); due date unspecified	Interim Health Care Committee/ Legislature/ Legislative Commission	2009
244A.638	NDOT	Projects from State Highway Fund	Annual – due December 31	IFC; Governor	2007
268.798	Stadium authority in Washoe County	Room tax surcharge collections and projects funded	By January 15, 2030	Legislature	2011
271A.105	Municipality with tourism district	Project status and financial impact	Annual – due September 1	Legislative Commission/ Legislature	2011
271A.105	Department of Taxation	Revenue and portion attributable to out-of-state persons	Semi-annual – due April 1 and October 1	Legislative Commission/ Legislature	2011
277A.345	Clark County Regional Rapid Transit Authority	Activities, findings, and transit plan	Annual – due February 1	Appropriate session committees	2011
278.235	Housing Division, Dept. of B&I	Affordable housing plans of local governments	Annual – due February 15	Legislative Commission/ Legislature	2007
279.6025	Redevelopment agency	Description, assessed valuation, tax rates, MOUs, revenues, etc.	Annual – due January 1 Post-2011 plans –baseline	Legislature	2011

					report due after adoption		
279.676	Redevelopment agencies	18% education set aside (Clark County only)			Annual – due November 30	Legislature/Legislative Commission	2013
279.685	Redevelopment agency (Las Vegas)	18% low income housing/education set-aside			Annual – due November 30	Legislature/Legislative Commission	2013
284.1729	Boards/commissions/NSHE	Consultants hired			Every 6 months – due date unspecified	IFC	2009
285.060	Merit Award Board, Dept. of Administration	Status of employee suggestions and recommended legislation			Annual – due 30 days after end of fiscal year	IFC; Budget Division	2011
286.723	PERS	Iran investments			Annual – due February 1	Legislature; Governor	2009
287.0425	PEBP	As specified in statute			Annual/Biennial	Appropriate session committees/Legislative Commission/IRB Committee	2011
293.206 293.208	County clerks	Precinct boundary maps; changes to maps			Biennial in off-session year – due March 31; changes within 15 days	LCB Director; Secretary of State	1989
293.4695	Secretary of State/County clerks	County clerk reports and voter comments on election process			Biennial – between 30 days before & 30 days after start of session	Legislature	2007
315.725	Two or more housing authorities	Programs of insurance			Biennial in session year – due January 15	Legislature	2011
331.093	State Public Works Division	Capital improvements owned or leased			Annual – due February 1	Legislature	2005
332.431	Local government	Performance contracts, if any			Annual – due February 1	IFC/Legislature	2009
333.3368	Purchasing Division	Contracts/bids with service-disabled veterans			Semi-annual – due date not specified	IFC/Legislature/Interim Committee on Veterans	2009
338.0117	Public bodies awarding contracts	Nevada First bidder preference			Annual – due July 31	Legislative Commission	2011

338.13846	State Public Works Division	Contracts/bids with service-disabled veterans	Semi-annual – due date not specified	IFC/Legislature/ Interim Committee on Veterans	2009
341.083	State Public Works Division	Priority of construction projects/work	Biennial in off-session year – due October 1	Legislature; Governor	1981 *
341.128	State Public Works Division	Inspections of State buildings	If inspection is matter of “serious concern”	Legislature	1963
353.2755	Division of Emergency Management, DPS	Disaster relief requests	Within individual deadlines	Fiscal Analysis Division	2013
353A.025	Department of Administration	Status of internal accounting and controls of state agencies	Biennial in session year – due at start of session	Session money committees/Legislative Auditor; Governor	2001
353B.170	College Savings Plan Board	Prepaid Tuition Program	Annual – due March 31	IFC/Session money committees; Governor	1997
Chap. 354	Department of Taxation	Status of local governments in severe financial emergency	Every 6 months until emergency ceases	Legislature/Legislative Commission	2015
354.5945 354.5947	Local governments	1. Capital improvement plans; 2. Capital improvements owned or leased by local governments	Annual – #1 due August 1 Annual - #2 due February 1	Legislature; Department of Taxation; debt commissions - #1 only	2005
354.6025	Department of Taxation	Report of indebtedness of local governments	Annual – due date not specified	Fiscal Analysis Division; Governor	1977
354.613	Department of Taxation	Compliance w/enterprise fund restrictions	Biennial in session year – due January 15	Legislature	2011
355.270	Corporation for public benefit	Accounting and businesses receiving investments	Annual – due December 1	Legislative Commission/ Legislature	2011
360.137	Department of Taxation	Tax expenditures, including background and fiscal impact	Biennial - off-session year – due November 10	Legislature/Appropriate interim & session committees; Governor	2013
360.215	Department of Taxation	Activities/ findings, recommendations on county assessors	Biennial – not specified	Legislature	1953
360.7596	Local governments	Abatements granted for movie productions	Annual – October 1 (if abatement granted)	Legislature; Governor	2013

360.7598	GOED	Applications, tax credits, related information on movie productions	Annual – due October 1	Legislature; Governor	2013
360.975	GOED	Tesla abatements/credits/related information Employees/progress assessment	Annual – due October 1 Quarterly	Legislature; Governor	2014
360.980	Local governments	Abatements for qualified projects (Tesla-related) – if any	Annual – due October 1	Legislature/Governor	2014
381.0033	Board of Museums and History (Dept. of Tourism/Cultural Affairs)	Investment and expenditure of private money	Semi-annual – due date not specified	IFC	1989
396.329	Board of Regents, NSHE	Police activities	Biennial in session year – due April 15	Legislature	1993
396.340	Governor/NSHE	Federal appropriations/grants	Annual – end of fiscal year (date not specified)	Legislature	1969*
396.4355	Board of Regents, NSHE	Capital improvements	Annual – due February 1	Legislature	2005
396.504	Board of Regents, NSHE	Efficiency/educational/mission/Institutional parity review	Annual – due September 1	IFC/Legislature	2011
396.505	Board of Regents, NSHE	Four-year comprehensive plan	Biennial in session year – due February 1	Legislature	1967 or 1973
396.531	Board of Regents, NSHE	Student completion statistics	Biennial in session year – due February 1	Legislature	2011
396.532	Board of Regents, NSHE	Minority enrollment statistics	Biennial in session year – due February 1	Legislature	2009
396.542	Board of Regents, NSHE	Tuition and fee changes	Annual – due February 1 (changed tuition/fees only)	Legislature/Legislative Commission	2011
396.780	Governor/NSHE	Biennial reports	Biennial – due September 1	Legislature	1969*
408.133	NDOT	Plan for measuring Department's performance	Annual – due December 31	IFC; Board of NDOT	2007
408.203(1)	NDOT	Long range plan, revenues, and expenditures	Every 10 years	Session Transportation committees	1989

408.203(2)	NDOT	Short range (4-yr) plan, revenues, and expenditures in past 2 years	Biennial in off-session year – due October 1	Session Transportation committees	1989
408.203(3)	NDOT	10-year plan for resurfacing , revenues, expenditures	Biennial in session year – due February 1	Legislature	1989
408.203(4)	NDOT	Mobile equipment outsourced or eliminated or purchased	Biennial in session year – due February 1	Legislature; Governor	2011
408.38726	NDOT	Goals and status for DBEs	Biennial in off-session year – due December 31	Legislature; Governor	2013
408.3886	NDOT	Design-build contract awards	Annual – due October 1	LCB Director	2011
414.135	Division of Emergency Management (DPS)	Emergency Assistance Account expenditures	Quarterly – due end of quarter for prior quarter	IFC	1997
417.0195	Interagency Council on Veterans' Affairs (Dept. of Veterans' Services)	Activities and recommendations, Veterans' Services Commission report, sexual trauma programs	Annual – due February 15	Appropriate standing committees/Legislative Commission	2013
417.105	Department of Veterans' Services	Recommendations on preference programs	Biennial in off-session year – due October 1	Legislative Commission	2009
417.145	Department of Veterans' Services	Gift Accounts – expenditures	Annual – due August 1	IFC	1993
422.390	DHHS	Disproportionate share payments	Quarterly – due date not specified	IFC	1991
426.729	DHHS	Personal assistance plans – recommendations	Biennial – due prior to session	Legislature	2001
428.490	County commission	Indigent fund for institutional care – transfers to Medicaid Budget Account	Semi-annual – due June 1 and December 31	IFC; Department of Administration	1997
432B.178	DHHS – Interagency Committee on Child Welfare	Evaluations of child welfare programs [Note: committee is optional so report contingent]	Biennial in session year – due January 1	Session committees on Judiciary and Health	2009
432B.218	DHHS - Division of Child & Family Services (DCFS)	Progress of child welfare agencies in Clark and Washoe Counties	Annual – due January 31	Legislature; Governor	2011
432B.327	DHHS – DCFS	Child protective services in rural counties	Upon request	Legislative Commission	2011

439.5085	Alzheimers Task Force (DHHS)	Findings/recommendations	Annual – due February 1	Legislature; Governor	2013
439.630 (1)(b)	DHHS	Evaluation/ranking of health needs	Annual – due date not specified	Interim Health Care Committee	2007
439.630 (1)(c)	DHHS	Fund for Healthy Nevada - Senior RX	Quarterly – due dates not specified	IFC/Interim Health Care Committee; Governor	1999
439.630 1(m)(5)	DHHS	Fund for Healthy Nevada – tobacco cessation, well-being, respite care, independent living, behavior supports, etc.	Annual – due date not specified	IFC/Interim Health Care Committee; Governor	1999
439.630 (1)(n)	DHHS	Fund for Healthy Nevada – recommendations, expenditures	Annual – due date not specified	Interim Health Care Committee/ Legislature; Governor	1999
439.630 (3)(f)	DHHS	Independent living grants for seniors	Annual – due date not specified	IFC/Interim Health Care Committee; Governor	1999
439.877	Patient safety committees – established by medical facilities	Patient safety checklists and policies	Annual – due July 1	Interim Health Care Committee	2011
439A.083	DHHS	Identification of statutes or regs adding to cost of health care	Biennial in off-session year – due December 31	Legislature; Governor	1985
439A.290 A.B. 146 § 17-2007	DHHS	Surgery centers – billings, outcomes, information releases;	Annual – due July 1	Interim Health Care Committee	2007
439B.227	Interim Health Care Committee	Implementation status	Monthly	Legislature	2013
444A.070	Dept. of Conservation & Natural Resources	Addition of licensees as mandatory child abuse reporters	Prior to regular session – unspecified date	Legislature	2013
445B.830	Local governments	Current and proposed recycling programs and related matters	Biennial in session year – due January 31	LCB Director	1991
449.160	Health Division, DHHS	Motor vehicle inspections	Annual – due 45 days after fiscal year (August 15)	IFC	2005
449.160	Health Division, DHHS	Medical facilities complaints and disciplinary actions	Biennial in session year – due February 1	LCB Director	2003

449.242	Clark and Washoe Counties – 70 +bed hospitals	Staffing committees	Annual – due December 31	Interim Health Care Committee/Legislature	2009
449.446	DHHS	Ambulatory surgical center – inspections	Annual – due date not specified	Interim Health Committee/Legislative Commission	2009
449.520	DHHS	Operations of Department and information on hospitals, surgical centers, public awareness, etc.	Annual – due October 1	IFC/Interim Health Care Committee; Governor	1983
450B.795	State Board of Health/Health Districts	Data on emergency services, e.g. waiting times	Quarterly – due date not specified	Interim Health Care Committee	2007
459.0092	Nevada Commission on Nuclear Projects	Matters/recommendations relating radioactive waste disposal	Not specified	Legislature; Governor	1985
463.120	Gaming Control Board	Revenue, licensees’ depreciation, assessed valuation	Biennial – due before session – date not specified	Legislative Commission for Legislature	1959
477.212	State Fire Marshal	Fire-safe cigarettes – effectiveness of statutes, recommendations	Biennial in session year – due January 30	Legislature	2009
481A.010	Multistate Hwy Transp. Agreement – Coop. Cte	Activities and recommendations	Annual – due date not specified	Legislature	1975
487.557	DMV	Complaints and investigations of garages and body shops	Annual – due January 1	Legislative Commission/Session Transportation Committees	2009
490.068	Off-Highway Vehicle Commission	Grants awarded and recommendations	Biennial in off-session year – due September 1	Legislature	2009
501.3585	Department of Wildlife	Wildlife Trust Fund – expenditures and investments	Semi-annually	IFC; Board of Wildlife Commissioners	2011
528.150	State Forester	Fire prevention and forest health in Tahoe	Annual – due January 1	Legislature; Tahoe Oversight Cte; Governor; Congressional Delegation; NTRPA	2009
563.370	Department of Administration	Percentage of fees refunded by Rangeland Resources Commission	Annual – due July 1	LCB Director	1999

598.372	Department of B&I	Recovery fund status – Sellers of Travel	Annual – due February 1	IFC/appropriate session committees	2003
607.080	Labor Commissioner	Statistics on labor	Biennial – no due date specified	Legislature; Governor	1923*
622.100	Regulatory agencies	Disciplinary actions	Quarterly – due 20 th day of Jan., April, July, October	Legislative Commission /Session Commerce & Labor Committees	2001
624.355	State Contractors Board	Complaints, regulatory difficulties, recommendations	Biennial in off-session year – due September 1	Legislature; Governor	1999
624.540	State Contractors Board	Recovery fund status	Annual – due February 1	IFC/appropriate session committees	1999
630.130	Board of Medical Examiners	Disciplinary actions, types of surgeries, sentinel events, insurance issues, etc.	Biennial in session year – due February 15	Legislature; Governor	2002
633.286	Osteopathic Medicine Board	Disciplinary actions, surgery types, sentinel events, insurance issues	Biennial in session year – due February 15	Legislature; Governor	2002
639.570	Pharmacy Board	Marketing code of conduct, training, investigation policies	Biennial in session year – due January 15	Legislature	2007
679B.144	Insurance Commissioner	Duties, findings, closed medical malpractice claims	Biennial in session year – due February 1	Legislature	1989, 1997
686B.177	Insurance Division, Dept. of B&I	Changes in rates, or plans for rating experience/classification	Due upon change	LCB Director	1995
690B.360	Insurance Commissioner	Medical malpractice insurance – compliance with rate provisions	Annual – due November 15	Legislature	2003
690B.370	Insurance Commissioner	Medical malpractice - loss prevention and control	Annual – due 90 days after Commissioner gets insurer reports	Legislature	2003
695I.370	Silver State Health Insurance Exchange	Fiscal and operations status, recommendations	Semi-annual – due June 30 and December 1	Legislature; Governor	2011
701.160	Office of Energy (Governor)	Status of energy in Nevada	Biennial in session year – due January 30	Legislature; Governor (annual)	2009

701.380	Office of Energy (Governor)	Office of Energy programs	Annual – due January 30	Legislative Commission; Governor	2001
701.620	NDOW	Energy development projects	Annual – due January 1	Legislative Commission/ Legislature	2011
702.275	DHHS – Division of Welfare and Supportive Services (DWSS)	Unspent energy assistance program funds –weatherization and conservation programs	Annual – due January 5	IFC/Session money committees	2007
702.280	DHHS/DWSS &Dept. of B&I – Division of Housing	Evaluation of coordination of energy programs	Annual – due date not specified	IFC/Legislative Commission; Governor	2001
703.025	PUCN	Reorganization plan	Contingent – prior to reorganization	IFC/appropriate legislative committees	1997
704.754	PUCN	New information about transmission plans	Biennial in off-session year – due February 15	Legislature	2009
704.7825	PUCN	Energy efficiency measures used to comply with portfolio standards	Biennial – due first day of session Upon request of Chair	Legislature	2001
704B.210	PUCN	Applications for new electric resources	Upon request only - in 2 business days after request	Legislative Commission	2001
Recurring but Uncodified Reports					
S.B. 506 § 50, 52	RTC of Southern Nevada	Boulder City Demonstration Project – status, funding, user fees, etc.	Annual – due February 1	Legislative Commission/ Legislature	2011
S.B. 152 § 13	Office of Energy Office, DETR, Housing Division	ARRA funds, including energy audits/savings by Housing Division	Quarterly or upon request	Legislative Commission/ IFC	2009
A.B. 7/ A.B. 116	Regional Business Development Advisory Council of Clark County	Status of programs/policies to promote local businesses owned by disadvantaged persons	Biennial in session year – due January 15	Legislature	2003, 2015
A.B. 436/ A.B. 422	Southern Nevada Water Authority	Groundwater management program status in Las Vegas Valley	Biennial in off session year - due December 31	Legislature	1997, 2011

	NDOT	Benefits of Construction Managers at Risk (CMARs)	January 31, 2017	Legislature	2013
A.B. 283 § 14.3		Benefits of Construction Managers at Risk (CMARs)	January 31, 2017	Legislature	2013
A.B. 283 § 14.5	Public bodies	CMAR contracts	Annual – due date unspecified	Legislature/Legislative Commission	2013
A.B. 335 § 24.5	UNLV Campus Improvement Authority	Recommendations from study	September 30, 2016	Legislature	2013
A.B. 480 § 1	Tahoe Regional Planning Agency	Audit, regional plan progress, and expenditures	Annual – due January 31	Legislature/IFC/Tahoe Oversight Committee; Governor	2013
S.B. 1 (27 th Special Session)	Committee on Local Government Finance Clark County - governing bodies	Waivers on use of More COPS sales tax in Clark County Periodic reports on expenditures	Annual – due September 1 Quarterly	Legislative Commission IFC	2013

* Some version of the report was adopted earlier than the NRS codification

Note: This table does not include the following topics or chapters: education related reports (Title 34 of NRS) except for Chapter 396 relating to Nevada System of Higher Education; State Legislative Department (Title 17); Chapter 353 – State Financial Administration except for the Disaster Relief Fund report; and non-recurring reports required in legislation and not codified. Every effort has been made to make this list complete and accurate. Any errors or omission should be reported to the Research Division of the Legislative Counsel Bureau at (775) 684-6825 or via e-mail to the Research Library at library@lcb.state.nv.us.

NRS 218D.380 Requirements for certain legislative measures involving submission of reports to Legislature; Legislative Commission to review and recommend regarding necessity of certain reports.

1. Any provision of state legislation enacted on or after July 1, 2013, which adds or revises a requirement to submit a report to the Legislature must:
 - (a) Expire by limitation 5 years after the effective date of the addition or revision of the requirement; or
 - (b) Contain a statement by the Legislature setting forth the justifications for continuing the requirement for more than 5 years. The statement must include, without limitation:
 - (1) If the requirement is being revised, the date the requirement was enacted;
 - (2) If the requirement concerns a report regarding the implementation or monitoring of a new program, an analysis of the continued usefulness of such a report after 5 years; and
 - (3) An identification and analysis of any costs or benefits associated with or expected to be associated with the report.
2. The Legislative Commission shall review the requirements in state legislation for submitting a report to the Legislature which have been in existence for 4 years or more to determine whether the requirements should be repealed, revised or continued. In making its determination pursuant to this subsection, the Legislative Commission shall:
 - (a) Identify and analyze any costs or benefits associated with the report;
 - (b) Consider the ability of the Legislature to obtain the information provided in the report from another source;
 - (c) Consider any recommendations made by the Director pursuant to [NRS 218D.385](#) regarding the elimination or revision of requirements in state legislation to submit obsolete or redundant reports to the Legislature; and
 - (d) Consider any other criteria determined by the Legislative Commission to be appropriate.
3. Based upon its review of the requirements pursuant to subsection 2, the Legislative Commission shall, as it deems appropriate:
 - (a) Make recommendations to the Legislature regarding whether the requirements in state legislation for submitting such reports to the Legislature should be repealed, revised or continued; and
 - (b) Request the drafting of a legislative measure pursuant to [NRS 218D.160](#) to facilitate its recommendations.

NRS 218D.385 Director to develop recommendations for elimination or revision of requirements to submit certain reports.

1. The Director shall develop recommendations for the:
 - (a) Elimination of any requirements to submit obsolete or redundant reports to the Legislature; and
 - (b) Revision of any requirements for reporting to reduce the frequency or to change the due dates, or any other revision of the requirements deemed appropriate by the Director.
2. In developing the recommendations required pursuant to subsection 1, the Director shall consider:
 - (a) The length of time the requirement has been in existence and whether the requirement remains relevant;
 - (b) The ability of the Legislature and the public to obtain the information provided in a report from another source; and
 - (c) Any other criteria determined by the Director to be appropriate.
3. The Director's recommendations, if any, must be:
 - (a) Presented to the Legislative Commission on or before July 1 of each even-numbered year; and
 - (b) Considered by the Legislative Commission when it conducts its review pursuant to [NRS 218D.380](#) of the requirements in state legislation for submitting such reports to the Legislature.
4. Based on the Director's recommendations and its review pursuant to [NRS 218D.380](#), the Legislative Commission shall, as it deems appropriate:
 - (a) Make recommendations to the Legislature regarding whether the requirements in state legislation for submitting such reports to the Legislature should be repealed, revised or continued; and
 - (b) Request the drafting of a legislative measure pursuant to [NRS 218D.160](#) to facilitate its recommendations.

VI.A.

SUMMARY REPORTS OF MAJOR STUDIES IN
PROGRESS PURSUANT TO RULE NO. 6 OF THE RULES
AND POLICIES OF THE LEGISLATIVE COUNSEL
BUREAU

LEGISLATIVE COMMITTEE ON CHILD WELFARE AND JUVENILE JUSTICE

Nevada Revised Statutes 218E.705

Members

Senator Scott T. Hammond, Chair
Assemblyman John Hambrick, Vice Chair
Senator Becky Harris
Senator Joyce Woodhouse
Assemblyman James Ohrenschall
Assemblyman Philip (P. K.) O'Neill

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Nevada Revised Statutes

NRS 218E.705 Creation; membership; budget; officers; terms; vacancies.

1. The Legislative Committee on Child Welfare and Juvenile Justice is hereby created. The membership of the Committee consists of three members of the Senate and three members of the Assembly, appointed by the Legislative Commission.

2. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.

3. The Legislative Commission shall select the Chair and Vice Chair of the Committee from among the members of the Committee. After the initial selection, each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. The office of Chair of the Committee must alternate each biennium between the Houses. If a vacancy occurs in the office of Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

4. A member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session convenes.

5. A vacancy on the Committee must be filled in the same manner as the original appointment for the remainder of the unexpired term.

(Added to NRS by [2009, 2545](#); A [2011, 3233](#))

ABSTRACT

LEGISLATIVE COMMITTEE ON CHILD WELFARE AND JUVENILE JUSTICE

Nevada Revised Statutes 218E.705

The Legislative Committee on Child Welfare and Juvenile Justice was established in 2009 with the Nevada Legislature's passage of Senate Bill 3 (Chapter 452, *Statutes of Nevada*). During the course of the 2015–2016 Interim, the Committee held four meetings, including a work session. Three of the meetings were held at the Grant Sawyer State Office Building in Las Vegas, Nevada, with simultaneous videoconferencing to the Legislative Building in Carson City, Nevada. One meeting was held at the Legislative Building in Carson City. The summaries of testimony and exhibits are available online at: <https://www.leg.state.nv.us/App/InterimCommittee/REL/Interim2015/Committee/255>.

During each meeting, the Committee received formal presentations and expert and public testimony on a broad range of topics involving child welfare and juvenile justice. Issues included: (1) revision of laws related to the protection of children; (2) improvements to programs designed to assist Nevada's foster youth population; (3) crossover populations in the child welfare and juvenile justice systems; (4) proposals made by the Supreme Court of Nevada's Commission on Statewide Juvenile Justice Reform; (5) development of a new juvenile assessment center in Clark County, known as "The Harbor"; (6) reviewing the work and priorities of several child welfare related organizations; (7) sentencing and incarceration of juvenile offenders; and (8) challenges in securing consistent funding for programs in the child welfare and juvenile justice arenas, including funding for so-called "front-end" programming intended to intervene before a child becomes formally involved with the juvenile justice or child welfare systems.

During its final meeting and work session, the Committee adopted five recommendations for bill draft requests (BDRs) to be considered by the 2017 Nevada Legislature. These BDRs concern foster care related background checks, creating a statutory basis to establish paternity in certain dependency cases, juvenile sex offender registration, revision of certain penalties for persons under 18 years of age, and information sharing among entities involved with juvenile justice.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON CHILD WELFARE AND JUVENILE JUSTICE

Nevada Revised Statutes (NRS) 218E.705

This summary presents the recommendations adopted by the Legislative Committee on Child Welfare and Juvenile Justice during its August 22, 2016, meeting. The Committee submits the following recommendations and bill draft requests (BDRs) to the 79th Session of the Nevada Legislature.

RECOMMENDATIONS FOR LEGISLATION

Establishing Paternity

1. Draft legislation to authorize the establishment of paternity under Chapter 432B (“Protection of Children From Abuse and Neglect”) of NRS regarding abuse and neglect cases in a way similar to what is currently set forth in Chapter 425 (“Support of Dependent Children”) of NRS regarding child support. **(BDR XX-344)**

Juvenile Sex Offender Registration and Notification

2. Draft legislation amending language in NRS 62A.030, NRS 62B.410, Chapter 62F (“Juvenile Sex Offenders”) of NRS, NRS 62H.110, NRS 62H.120, and NRS 179D.035, revising provisions governing registration and community notification of juveniles adjudicated delinquent for committing certain sexual offenses. **(BDR XX-345)**

Unintended Penalties for Certain Juveniles

3. Draft legislation amending Chapter 201 (“Crimes Against Public Decency and Good Morals”) of NRS to remove increased penalties for certain juvenile offenders that were unintendedly added during the 2015 Legislative Session. **(BDR XX-346)**

Juvenile Justice Information Sharing

4. Draft legislation amending Chapter 62H (“Records Related to Children”) of NRS to allow juvenile justice agencies to release juvenile justice information to a law enforcement agency actively engaged in a criminal or delinquency investigation or emergency situation involving a delinquent child or any other child who is otherwise subject to the jurisdiction of the juvenile court that poses a serious threat to public, officer, or child’s safety. **(BDR XX-347)**

Foster Homes—Background Checks

5. Draft legislation amending Chapter 424 (“Foster Homes for Children”) of NRS to revise several provisions regarding foster home licensee background checks in order to comply with federal law. **(BDR XX-348)**

RECOMMENDATIONS FOR COMMITTEE ACTION

In addition, the Committee directed staff to:

6. Draft a letter to the Governor of the State of Nevada, with copies to the members of the Senate Committee on Finance and the Assembly Committee on Ways and Means, urging that the Governor include in his *Executive Budget*, and the Legislature support, funding to accommodate requests made by various child welfare and juvenile justice entities across the State to provide improved “front-end” programming for at-risk youth. These programs provide various services intended to intervene and assist these youth and their families before the youth become formally engaged with child welfare or juvenile justice systems. The letter is to express the Committee’s strong belief that these programs are not only crucial in the effort to keep youth out of the juvenile justice system and on the right path but that they also represent an important cost savings measure for the State.
7. Draft a letter to the members of the Senate Committee on Finance and the Assembly Committee on Ways and Means, with a copy to the Governor of the State of Nevada, regarding the funding mechanism and management of the program for extended judicial oversight of youth who elect to stay in the foster care system beyond the age of 18. The letter should voice the Committee’s belief that: (1) the capped block grant funding mechanism originally approved for the program may need to be changed; (2) if the right funding mechanism is approved, federal funds may become available; and (3) better data collection and an assessment of the program’s success is likely needed.
8. Draft a letter to the Governor of the State of Nevada and the Director of Nevada’s Department of Health and Human Services (DHHS), with copies to the Senate Committee on Finance and the Assembly Committee on Ways and Means, expressing the Committee’s support of the ongoing work and main service priorities of the Clark County Children’s Mental Health Consortium. The letter should request that the Governor and DHHS support this work via financial support to be included in the Governor’s *Executive Budget* for the 2017–2019 Biennium.

9. Draft a letter to the Senate Committee on Finance and the Assembly Committee on Ways and Means, with copies to the Governor of the State of Nevada and the Director of DHHS, expressing the Committee's strong belief that DHHS should replace the Unified Nevada Information Technology for Youth (UNITY) juvenile justice and child welfare case management system as soon as it is economically and technologically feasible. The system is out of date and no longer offers the functionality necessary to service the needs of the people it is intended to serve. The letter will express the Committee's hope that both the Legislature and the Governor will commit the necessary funding to replace UNITY as soon as possible.

LEGISLATIVE COMMITTEE ON EDUCATION

Nevada Revised Statutes 218E.605

Members

Assemblywoman Melissa Woodbury, Chair
Senator Becky Harris, Vice Chair
Senator Scott T. Hammond
Senator Michael Roberson
Senator Joyce Woodhouse
Assemblyman Nelson Araujo
Assemblyman Randy Kirner
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Nevada Revised Statutes

NRS 218E.605 Creation; membership; budget; officers; terms; vacancies.

1. The Legislative Committee on Education, consisting of eight legislative members, is hereby created. The membership of the Committee consists of:

(a) Four members appointed by the Majority Leader of the Senate, at least one of whom must be a member of the minority political party.

(b) Four members appointed by the Speaker of the Assembly, at least one of whom must be a member of the minority political party.

2. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.

3. The Legislative Commission shall select the Chair and Vice Chair of the Committee from among the members of the Committee. Each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. The office of Chair of the Committee must alternate each biennium between the Houses. If a vacancy occurs in the office of Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

4. A member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session convenes.

5. A vacancy on the Committee must be filled in the same manner as the original appointment for the remainder of the unexpired term.

(Added to NRS by [1997, 1775](#); A [2009, 1150, 1560](#); [2011, 3230](#)) — (Substituted in revision for NRS 218.5352)

ABSTRACT

LEGISLATIVE COMMITTEE ON EDUCATION

Nevada Revised Statutes 218E.605

Nevada's Legislative Committee on Education (LCE) is a permanent committee of the Nevada Legislature whose authorization and duties are set forth in Chapter 218E of *Nevada Revised Statutes* (NRS). Created in 1997 with the enactment of Senate Bill 482 (Chapter 473, *Statutes of Nevada*), known as the Nevada Education Reform Act, the LCE reviews and monitors the condition of public elementary and secondary education. It may recommend legislation in a number of areas, including statewide programs in accountability, student performance, teacher preparation, compliance with federal requirements, the statewide student information system, class-size reduction, and any other fiscal or policy concerns associated with public education. The creation of the LCE, its membership, and powers and duties are codified in NRS 218E.600 through 218E.615.

The LCE held six meetings during the 2015–2016 Interim. Because all but one member resided in Clark County, meetings were held in Las Vegas, Nevada, at the Grant Sawyer State Office Building and videoconferenced to the Legislative Building in Carson City, Nevada.

Pursuant to the LCE's charge as provided in NRS 218E.615, the LCE considered a number of topics relating to elementary and secondary education and received presentations concerning: school finance and student data systems; the administration of examinations; innovative approaches to improving education in other states; gifted and talented education; student mentoring; the linkage of K–12, post-secondary, and workforce data; teacher licensure, recruitment, and retention; school district facility needs and funding strategies; class-size reduction and several other K–12 education programs created or expanded by the 2015 Legislature; recommendations for policy action by the LCE; and issues relating to postsecondary education, including teacher preparation; the University of Nevada, Las Vegas, School of Medicine; and Western Governors University.

At its work session on July 28, 2016, the LCE approved 17 proposals for legislation to be considered by the 79th Session of the Nevada Legislature and another 24 proposals for issuing correspondence or including position statements in its final report. Bill draft requests relate to the following topics:

- Education reports;
- Instruction;
- Special education;
- Teachers;

- School funding;
- Longitudinal data;
- Miscellaneous matters related to preK-12 education; and
- Higher education.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON EDUCATION

Nevada Revised Statutes (NRS) 218E.605

The following is a summary of recommendations adopted by the Legislative Committee on Education (LCE) at the July 28, 2016, meeting. The Committee submits the following recommendations and bill draft requests (BDRs) to the 79th Session of the Nevada Legislature.

PROPOSAL RELATING TO FINANCIAL TRANSPARENCY

1. **Online Posting of Data**—Send a letter from the LCE to Nevada’s Department of Education (NDE), with a copy to the Fiscal Analysis Division, Legislative Counsel Bureau (LCB), requesting that the In\$ite education finance data be made publicly available online in a timely manner and to the fullest extent practical.

PROPOSALS RELATING TO SCHOOL ACCOUNTABILITY

2. **Career Readiness Measures**—Include a statement in the final report recommending NDE incorporate career readiness measures in the Nevada School Performance Framework for high schools.
3. **Standardized Test Reporting**—Send a letter from the LCE to NDE encouraging it to provide school districts the scores of third grade pupils on the English Language Arts Criterion-Referenced Test early enough for a retention decision to be made by the school before the summer break each year.

PROPOSALS RELATING TO EDUCATION REPORTS

4. **Report of Accountability**—*Nevada Revised Statutes* 385A.070 requires an annual report of accountability from the State Public Charter School Authority (SPCSA), the Achievement School District, each school district that sponsors a charter school, and each college or university within the Nevada System of Higher Education (NSHE) that sponsors a charter school.

Propose legislation to change the report due date and written notice from September 30 to December 31 to enable the inclusion of more recent data. **(BDR XX-326)**

5. **Report on Pupil Achievement**—*Nevada Revised Statutes* 385A.650 requires the principal of each public school to prepare a plan to improve the achievement of pupils enrolled in the school and submit the plan to certain persons.

Draft a letter from the LCE to NDE urging that, to the extent practicable, the report's format be simplified, redundancies be eliminated, and design be improved to facilitate efficient completion and submission.

6. **Report of Accountability**—Propose legislation to amend NRS 385A.400 by removing the requirement to provide written notice when the annual report of accountability is available. **(BDR XX-326)**
7. **Notice of School Ratings**—Propose legislation to amend subsection 3 of NRS 385A.720 to remove the requirement that written notice of the determinations and final ratings made for all schools in this State be provided. **(BDR XX-326)**
8. **Notice of Exam Security**—*Nevada Revised Statutes* 390.270 requires NDE to: (1) adopt and enforce a plan setting forth procedures to ensure the security of certain examinations and assessments; and (2) submit a copy of the plan to the State Board of Education and LCE.

Propose legislation to remove the requirement that NDE submit a copy of the plan to the State Board and LCE, and instead require NDE to post the plan on its website on or before September 1 of each year. **(BDR XX-326)**

9. **School Discipline Plans**—Propose legislation to amend subsection 5 of NRS 392.4644 to remove the requirement that the Superintendent of Public Instruction submit a report of the compliance of schools and school districts in adopting school discipline plans to the LCB. **(BDR XX-XXX)**
10. **Notice of Proposed Policy Changes**—Propose legislation to amend NRS 386.365 to reduce the public notice required before policy changes are proposed in the Washoe and Clark County School Districts from 15 days to 13 days. **(BDR XX-326)**
11. **Study of Education Reporting**—Propose legislation to create an interim study during the 2017–2018 Interim of K–12 education reporting and possible strategies to modernize and streamline the system of reporting. **(BDR XX-337)**

PROPOSALS RELATING TO INSTRUCTION

12. **Personalized and Competency-Based Education**—The following recommendations relate to competency-based education, which measures learning and allows pupil advancement upon demonstration of proficiency in a skill or subject, rather than measuring how much

time a pupil spends in a classroom. Proficiency can be shown through exams and performance-based tasks, including, without limitation, learning activities and assessments that require pupils to demonstrate their knowledge, understanding and proficiency, portfolios of pupils' work, and other approaches. Competency-based education is often viewed as a component of a broader strategy of pupil-centered learning, an instructional approach in which pupils influence the content, activities, and pace of learning.

Propose legislation to:

- Amend NRS 389.171, which authorizes school districts to award credit based upon demonstrated proficiency through examinations, to allow other means of receiving credit that may include, without limitation, performance-based tasks, portfolios or examples of student work, and prior learning. Also, authorize charter schools to award credit in the same manner.
- Require the State Board of Education to adopt regulations specifying alternative measures that may be used to demonstrate mastery.
- Establish a Competency-Based Education Task Force to meet during the 2017–2018 Interim. The Task Force will:
 - Consist of not more than 13 members appointed by the Governor who represent Nevada's community colleges, school districts, NDE, and Western Governors University;
 - Receive administrative support from NDE;
 - Serve without compensation or reimbursement of travel expenses from the Task Force, but members may be compensated or reimbursed by their employer;
 - Develop recommendations for the State Board of Education concerning competency-based education, including, without limitation, recommendations concerning:
 - Approaches to convert into competency measures requirements regarding the amount of time a pupil is required to spend in a classroom;
 - Tools for use in personalized learning and competency-based education;
 - Approaches to ensure appropriate pupil assessments are used to allow pupils to demonstrate proficiency;
 - Strategies for improving competency-based learning through the use of technology; and

- Professional development relating to competency-based education and other supports to assist educators in transitioning to a competency-based system; and
- By April 30, 2018, prepare a report describing its activities and recommendations; the report must be posted online and submitted to the Governor and the LCE. **(BDR XX-327)**

13. **Personalized and Competency-Based Education**—Propose legislation to require NDE to:

- Conduct a statewide awareness campaign concerning personalized and competency-based education, including regional informational meetings with district superintendents, to increase understanding of and local interest in personalized and competency-based education;
- Facilitate a collaborative network of Nevada educators who are engaged in the practice of personalized and competency-based education so they may support one another and share effective practices; and
- Authorize NDE to distribute the money appropriated by the 2017 Legislature to the Account for Programs for Innovation and the Prevention of Remediation to carry out a program of personalized and competency-based education through a competitive grants program. Grants must be awarded to school districts and charter schools based upon the proposals submitted and funding available. Allowable grants activities shall include:
 - Investigating, developing, and implementing competency-based educational pathways for pupils;
 - Developing model competencies and performance measures;
 - Developing or acquiring appropriate assessments and other tools to monitor learning and measure competency;
 - Establishing school sites at which personalized and competency-based education can be observed;
 - Supporting transitions to personalized learning among participating schools;
 - Identifying and purchasing technical assistance and professional development materials; and

- Documenting and sharing results, challenges, and lessons learned.
(BDR XX-327)
14. **Personalized and Competency-Based Education**—Send letters from the LCE to NDE and the SPCSA urging them to encourage school districts and charter schools, respectively, to pursue personalized, competency-based education.
15. **Distance Education**—Send a letter from the LCE to the State Board of Education urging it to amend regulations related to distance education (see *Nevada Administrative Code* [NAC] 388.825) to:
- Amend NAC 388.825 to require course providers to adhere to nationally recognized quality standards (such as the iNACOL National Standards for Quality Online Courses) and to report to NDE performance outcomes at both the course and provider levels;
 - Amend NAC 388.825 to require course reauthorization for all providers to be contingent upon positive pupil outcomes and course evaluations;
 - To the extent practicable, for private providers of distance education, require course reauthorization to be contingent upon positive outcomes under school performance measures that apply to public schools in general; and
 - Require school districts to regularly notify pupils and families of distance education program opportunities.
16. **Dual Language Immersion**—Propose legislation to:
- Authorize public elementary schools, including charter schools, to offer education using a dual language immersion model;
 - Require the State Board of Education to establish, by regulation, guidelines for the provision of dual language immersion education, including:
 - The process by which a school chooses its targeted foreign language with input from staff and parents;
 - The languages that may be offered, which must include Spanish, French, and Mandarin Chinese;
 - The manner in which a school will convert to the dual language immersion model, which may include a gradual introduction by grade level;

- A requirement that 50 percent of required coursework be taught in English and 50 percent of required coursework be taught in the chosen foreign language;
- A requirement that an English-only option be made available to students who prefer not to take part in dual language immersion or who enter the school after their grade has commenced dual language immersion instruction; and
- The process by which a school district or charter school may request a waiver from the State Board of Education for any of the requirements established by regulation. **(BDR XX-442)**

17. **Dual Language Immersion**—Propose legislation requiring NDE to create a competitive grant program which enables public elementary schools, including charter schools, the option to offer dual language immersion instruction and to apply for a grant for approval by NDE.

Such legislation will:

- Provide an appropriation beginning in Fiscal Year (FY) 2017–2018 to NDE, in an amount necessary to fund a 0.5 full-time equivalent (FTE) program manager and a 0.5 FTE program assistant to coordinate the program;
- Provide an appropriation of \$300,000 in FY 2018–2019 to NDE to fund up to 30 grants to individual elementary schools proposing to implement a dual language immersion model. Grants must be awarded by NDE on a competitive basis and will be awarded to school districts and charter schools that have been approved by the SPCSA;
- Provide an appropriation of \$300,000 in FY 2018–2019 to NDE to recruit teachers for participating schools, provide professional development for participating school personnel, establish performance measures, and provide technical assistance to grantees;
- Require NDE to determine the feasibility of adding American Sign Language as a foreign language under the program;
- Require grants to be made available to elementary schools beginning in FY 2018–2019. To the extent possible, grants will be awarded as follows: 20 schools in Clark County, 7 schools in Washoe County, and 3 in the balance of the State; and
- Require the State Board of Education to adopt regulations for the operation of the competitive grant program. **(BDR XX-442)**

PROPOSALS RELATING TO SPECIAL EDUCATION

18. **Special Education Services**—*Nevada Revised Statutes* 388.417 defines a “pupil with a disability” to mean a “child with a disability” who is under 22 years of age, as that term is defined in federal law.

Propose legislation to provide that a person with a disability who turns 22 years of age remains eligible to complete the school year irrespective of his or her age. **(BDR XX-328)**

PROPOSALS RELATING TO TEACHERS

19. **Career Pathways**—Include a statement in the final report urging each of Nevada’s school districts to utilize and expand upon existing policies and funding mechanisms, including, without limitation, performance pay programs and programs that provide enhanced compensation (see NRS 391A.450), in an effort to develop meaningful career pathways for teachers that enable them to advance in responsibility and compensation while remaining in the classroom.

20. **Teacher Licensure**—Propose legislation to:

- Amend NRS 391.032 to require, rather than authorize, the Commission on Professional Standards in Education to adopt regulations that provide for the issuance of conditional licenses to teachers before completion of all requirements for licensure;
- Enable licensed teachers or candidates for initial teacher licensure to demonstrate middle or high school subject matter competency (e.g., social studies, English, science, et cetera) through passage of a subject matter competency exam, in lieu of content area coursework requirements for a postsecondary major or minor in that subject;
- Require the Commission to adopt regulations that provide for the issuance of provisional, nonrenewable licenses in addition to conditional licenses; and
- Amend NRS 391.032 to require the regulations adopted by the Commission, which provide for the reciprocal licensure of educational personnel from other states, to include an exemption from examinations required for initial licensure for teachers and other educational personnel who are licensed in another state. **(BDR XX-329)**

21. **Career and Technical Education Teachers**—Send a letter from the LCE to the Board of Regents, the State Board of Education, and the Commission on Professional Standards in Education suggesting they jointly develop a plan to improve the pipeline of Career and Technical Education certified teachers adequate to Nevada’s needs.

22. **National Board Teacher Certification**—Send a letter from the LCE to NDE, with a copy to the Governor, encouraging NDE to assess the number of reimbursement requests for National Board for Professional Teaching Standards certifications anticipated during each year of the 2017–2019 Biennium and to request an appropriate budget enhancement for submission to the 2017 Legislature.

PROPOSALS RELATING TO SCHOOL FUNDING

23. **Peer Assistance and Review**—Include a statement in the final report urging the Nevada Legislature to determine the impact of the program of peer assistance and review on educational personnel and pupil outcomes and consider expanding the program within the Clark County School District and to other school districts.
24. **Charter Schools**—Propose legislation to remove the exception for charter schools from the class-size reduction (CSR) requirements of NRS 388.700 and revise statutes as necessary to make the CSR requirements applicable to charter schools, including:
- Amending NRS 388.700 to authorize the governing body of a charter school that exceeds the ratio of pupils per class to request a variance from the State Board of Education. Before requesting such a variance, the governing body of a charter school must receive approval from the sponsor to request the variance;
 - Requiring NDE to notify the sponsor of each charter school that exceeds the required pupil-teacher ratios and has not received a variance from the State Board of Education;
 - Amending NRS 388.710 to require the State Board of Education to consult with a representative of the Charter School Association of Nevada and a representative of the SPCSA to determine the data that each charter school is required to monitor and use;
 - Amending NRS 388.720, which authorizes certain school districts to develop a plan to reduce the district’s pupil-teacher ratios per class that uses alternative pupil-teacher ratios, to authorize charter schools to develop such a plan with the approval of the sponsor of the charter school;
 - Amending NRS 388.723 to require NDE to develop policies and procedures for communicating with the governing body of each charter school, in addition to the board of trustees of each school district, regarding its expectations relating to CSR; and
 - Ensuring school district budgets are held harmless in the allocation of CSR funds to charter schools. **(BDR XX–330)**

25. **Early Childhood Education**—Include a statement in the final report encouraging the Governor and Legislature to expand the resources available for early childhood education, particularly for children assessed to be at risk of experiencing difficulty upon entry into kindergarten.
26. **K–12 Education Funding**—Include a statement in the final report urging adequate and equitable funding for K–12 education; continued progress toward a weighted K–12 funding formula for English language learners, pupils receiving free and reduced lunch, pupils in special education, and pupils in gifted and talented education; and an ongoing review of the base funding appropriated and categorical programs created or expanded by the 2015 Legislature.

PROPOSALS RELATED TO LONGITUDINAL DATA

27. **P–20W Advisory Council**—Propose legislation to abolish the P–20W Advisory Council (NRS 400.030) and replace it with a committee responsible for coordinating and managing the Nevada P–20 to Workforce Research Data System (commonly referred to as NPWR), as follows:
 - Members of the committee will be appointed by the Governor;
 - Members will include the Superintendent of Public Instruction; Director of the Department of Employment, Training and Rehabilitation (DETR); and Chancellor of NSHE, or their representatives;
 - Additional agency leaders, or their representatives, may be appointed by the Governor to the committee after nomination by a majority vote of the committee;
 - Terms of appointment will be three years, with no limit on the number of terms to which an individual member may be reappointed;
 - Vacancies will be filled in the same manner as an original appointment;
 - Committee members serve without compensation or reimbursement for travel expenses by the committee; and
 - The committee will meet at least annually and at other times deemed necessary by the Chair, who will be elected on an annual basis by a majority vote of the members.

The committee’s duties will include:

- Overseeing the statewide longitudinal data system;

- Establishing the research agenda for the NPWR;
- Assisting and advising NDE, DETR, and NSHE in applying for grants, preparing budgets, or proposing legislation related to the committee’s work or for the operations of the NPWR;
- Advising member agencies in matters related to contracts necessary for the operation or utilization of the NPWR; and
- Issuing, by July 31 of even-numbered years, a biennial report of its activities for posting online and submission to the Governor and the Legislature.

The Department of Employment, Training and Rehabilitation will be required to provide any administrative support necessary for the committee. **(BDR XX-331)**

28. **NPWR Staffing**—Include a statement in the final report supporting the creation of a position within DETR to coordinate the interagency NPWR effort and a position in the Office of the Governor to develop policy recommendations based upon NPWR data.

PROPOSALS RELATING TO MISCELLANEOUS PRE-K THROUGH 12 MATTERS

29. **Braille Literacy**—Include a statement in the final report in support of providing braille literacy education for blind children at the earliest appropriate age in Nevada’s public schools.
30. **Deaf Education**—Include a statement in the final report encouraging NDE to assist early childhood education programs in providing instruction in American Sign Language to children who are deaf or hard of hearing. Such assistance may include finding and securing financial resources, locating instructional materials and tools, identifying professionals with the necessary skills to deliver instruction, or other similar assistance.
31. **Graduation Standards**—Include a statement in the final report recommending NDE to develop multiple diploma options that are aligned with certain paths for pupils after high school and ensure a pupil’s readiness for his or her chosen path; options might include community-, career-, and college-ready diplomas. Further, recommend each diploma be achievable through a “portfolio” of achievement that may include, without limitation, demonstration of proficiency through: (1) standardized test scores; (2) standards-based academic projects; (3) work experience and internships; (4) community service; (5) performance on military assessments; (6) certifications and certificates; and (7) postsecondary schooling and dual credit.

32. **School Social Workers**—Send a letter from the LCE to the Legislative Committee on Health Care urging it to propose legislation to change Nevada’s social worker interstate licensure reciprocity so licensure eligibility is based upon fair and objective criteria.
33. **School Leadership**—Propose legislation to create an Interim Advisory Task Force on School Leader Management. Such legislation will include the following:
- Require the Task Force to study issues relating to the Nevada Educator Performance Framework for school administrators as a foundation to link and align systems of school leader certification, compensation, evaluation, preparation, professional development, and recruitment.
 - Provide that a member of the Task Force who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that he or she may prepare for and attend meetings of the Task Force and perform any work necessary to carry out the duties of the Task Force in the most timely manner practicable.
 - A State agency or political subdivision of this State shall not require an officer or employee who is a member of the Task Force to: (1) make up the time the member is absent from work to carry out his or her duties as a member of the Task Force; or (2) take annual leave or compensatory time for the absence.
 - By no later than December 31, 2017, the Task Force shall consist of:
 - Two members of the State Board of Education, appointed by the President of the Board;
 - Two members of the Senate, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate;
 - Two members of the Assembly, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly; and
 - One member who is a principal, appointed by the Nevada Association of School Administrators.
 - Require the Task Force to prepare a report by May 31, 2018, for submission to the Governor, the State Board of Education, and the Legislature describing its activities and recommendations.
 - Provide that legislators who are members of the Task Force are entitled to receive the salary provided for legislators generally.

- Provide, to the extent money is available for that purpose, members of the Task Force who are not Legislators also are entitled to receive compensation. **(BDR XX-332)**
34. **School Culture**—Include a statement in the final report encouraging NDE to work with school districts and the SPCSA to assess the professional and academic culture and climate of Nevada’s schools. Further, encourage NDE to support the SPCSA and each district in developing plans to support high performance cultures and positive school climates.
 35. **School Leadership**—Include a statement in the final report encouraging each of Nevada’s school districts to develop a comprehensive system of school leader management which includes using the Nevada Educator Performance Framework for administrators as a foundation to link and align principal certification, compensation, evaluation, preparation, professional development, and recruitment. The goal of the system should be to ensure the recruitment and development of effective principals who achieve the outcomes desired by each school and its community.
 36. **Class-Size Reduction**—Send a letter from the Committee to NDE requesting a change to the CSR variance request process, allowing a single signature from a school district superintendent as certification when attached to all the district’s variance requests in a given reporting period, and encouraging a dialogue between NDE and school districts to discuss reducing the paperwork burden and making the variance request process more efficient.

PROPOSALS RELATING TO HIGHER EDUCATION

37. **Medical Education**—Include a statement in the final report recommending continued funding for the University of Nevada, Las Vegas, School of Medicine and increased funding for graduate medical education at both of Nevada’s public medical schools.
38. **Financial Aid**—Send a letter from the LCE to the money committees urging the Legislature to provide adequate funding for the Silver State Opportunity Grant Program (see NRS 396.952).
39. **Financial Aid**—Send a letter from the LCE to members of the Legislature, the Governor, and the NSHE supporting the amendment of the eligibility requirements specified in the Silver State Opportunity Grant Program (see NRS 396.952) to allow students greater flexibility in the required credit hours, based upon their work and family commitments.
40. **U-Teach Program**—Include a statement in the final report urging NSHE to determine the impact of the U-Teach program, which recruits college students studying science, technology, engineering, and mathematic subjects, and support them in pursuing careers as secondary school teachers and consider expanding the program.
41. **Workforce Development**—Include a statement in the final report supporting capacity building for workforce development through the State’s community colleges.

LEGISLATIVE COMMITTEE ON ENERGY

Nevada Revised Statutes 218E.805

Members

Assemblyman Stephen H. Silberkraus, Chair
Senator James A. Settelmeyer, Vice Chair
Senator Kelvin D. Atkinson
Senator Michael Roberson
Assemblywoman Olivia Diaz
Assemblyman Randy Kirner

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**Note: The Legislative Commission appointed Assemblyman Stephen H. Silberkraus as Chair of the Committee on April 4, 2016, to replace Assemblyman Erven T. Nelson who resigned from the Assembly on February 10, 2016.*

***Note: Committee staff members Dan Yu, Principal Deputy Legislative Counsel; Matt Mundy, Senior Deputy Legislative Counsel; and Roman Edwards, Deputy Legislative Counsel, resigned from the Legislative Counsel Bureau during the 2015–2016 Interim.*

Nevada Revised Statutes

NRS 218E.805 Creation of Legislative Committee on Energy; membership; budget; officers; terms; vacancies.

1. The Legislative Committee on Energy, consisting of six legislative members, is hereby created. The membership of the Committee consists of:

(a) Three members appointed by the Majority Leader of the Senate, at least one of whom must be a member of the minority political party.

(b) Three members appointed by the Speaker of the Assembly, at least one of whom must be a member of the minority political party.

2. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.

3. The Legislative Commission shall select the Chair and Vice Chair of the Committee from among the members of the Committee. Each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. The office of Chair of the Committee must alternate each biennium between the Houses. If a vacancy occurs in the office of Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

4. A member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session convenes.

5. A vacancy on the Committee must be filled in the same manner as the original appointment for the remainder of the unexpired term.

(Added to NRS by 2013, 3343)

ABSTRACT

LEGISLATIVE COMMITTEE ON ENERGY

Nevada Revised Statutes 218E.805

The Legislative Committee on Energy is charged with evaluating, reviewing, and commenting upon matters related to energy policy including: (1) policies, plans, or programs relating to the production of energy consumption or use of energy in Nevada, economic development, or the environment; (2) legislative measures regarding energy policy; (3) the effect of any policy, plan, program, or legislation on rates or ratepayers, the development of a market in the State for electricity generated from renewable energy, or that provides for the construction or acquisition of facilities for the generation of electricity; (4) contracts or requests for proposals relating to the purchase of capacity; and (5) infrastructure and transmission requirements of any policy, plan, program, or legislation.

During the course of the 2015–2016 Interim, the Committee held five meetings, including a work session in Las Vegas, Nevada. The Committee was provided with formal presentations and expert and public testimony on a broad range of topics involving energy. These public hearings were conducted through simultaneous videoconferencing between meeting rooms at the Legislative Building in Carson City, Nevada, and the Grant Sawyer State Office Building in Las Vegas. The summaries of testimony and exhibits are available online at: <https://www.leg.state.nv.us/App/InterimCommittee/REL/Interim2015/Committee/265>.

During its final meeting and work session, the Committee adopted one recommendation as a bill draft request for consideration during the 2017 Session of the Nevada Legislature. The Committee also adopted one recommendation to draft a letter supporting the Nevada Electric Highway.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON ENERGY

Nevada Revised Statutes (NRS) 218E.805

The Legislative Committee on Energy held a final work session on August 22, 2016. During the work session, the Committee voted to approve one recommendation for a bill draft request (BDR) and one recommendation for the drafting of a letter. A summary of each recommendation is identified below.

RECOMMENDATION FOR LEGISLATION

1. Draft a bill to discontinue the Solar Thermal Systems Demonstration Program (NRS 701B.336). **(BDR -338)**

RECOMMENDATION FOR COMMITTEE ACTION: DRAFT A LETTER

2. Draft a letter to the Governor's Office of Energy and NV Energy supporting the Nevada Electric Highway, which is a network of charging stations along United States Route 95. Additionally, the letter would include support for the next phase of the project, which includes connecting Interstate 80, U.S. Route 50, and U.S. Route 93.

LEGISLATIVE COMMITTEE ON HEALTH CARE

Nevada Revised Statutes 439B.200

Members

Assemblyman James Oscarson, Chair
Senator Joseph (Joe) P. Hardy, M.D., Vice Chair
Senator Ben Kieckhefer
Senator Patricia (Pat) Spearman
Assemblywoman Teresa Benitez-Thompson
Assemblyman David Gardner

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Nevada Revised Statutes

NRS 439B.200 Creation; appointment of and restrictions on members; officers; terms of members; vacancies; annual reports.

1. There is hereby established a Legislative Committee on Health Care consisting of three members of the Senate and three members of the Assembly, appointed by the Legislative Commission. The members must be appointed with appropriate regard for their experience with and knowledge of matters relating to health care.

2. No member of the Committee may:

- (a) Have a financial interest in a health facility in this State;
- (b) Be a member of a board of directors or trustees of a health facility in this State;
- (c) Hold a position with a health facility in this State in which the Legislator exercises control over any policies established for the health facility; or
- (d) Receive a salary or other compensation from a health facility in this State.

3. The provisions of subsection 2 do not:

(a) Prohibit a member of the Committee from selling goods which are not unique to the provision of health care to a health facility if the member primarily sells such goods to persons who are not involved in the provision of health care.

(b) Prohibit a member of the Legislature from serving as a member of the Committee if:

(1) The financial interest, membership on the board of directors or trustees, position held with the health facility or salary or other compensation received would not materially affect the independence of judgment of a reasonable person; and

(2) Serving on the Committee would not materially affect any financial interest the member has in a health facility in a manner greater than that accruing to any other person who has a similar interest.

4. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program. The Legislative Commission shall select the Chair and Vice Chair of the Committee from among the members of the Committee. Each such officer shall hold office for a term of 2 years commencing on July 1 of each odd-numbered year. The office of the Chair of the Committee must alternate each biennium between the houses of the Legislature.

5. Any member of the Committee who does not become a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session of the Legislature convenes.

6. Vacancies on the Committee must be filled in the same manner as original appointments.

7. The Committee shall report annually to the Legislative Commission concerning its activities and any recommendations.

(Added to NRS by 1987, 863; A 1989, 1841; 1991, 2333; 1993, 2590; 2009, 1154, 1568)

ABSTRACT

LEGISLATIVE COMMITTEE ON HEALTH CARE

Nevada Revised Statutes 439B.200

The Legislative Committee on Health Care (LCHC), in compliance with *Nevada Revised Statutes* (NRS) 439B.200 through 439B.227, oversees a broad spectrum of issues related to the quality, access, and cost of health care for all Nevadans. The LCHC was established in 1987 to provide continuous oversight of matters relating to health care.

The primary responsibilities include: (a) reviewing and evaluating the quality and effectiveness of programs for the prevention of illness; (b) reviewing and comparing the costs of medical care among communities in Nevada with similar communities in other states; and (c) analyzing the overall system of medical care in the State to determine how best to coordinate the provision of services, avoid duplication, and achieve the most efficient use of all available resources. The LCHC also may review health insurance issues, as well as examine hospital-related issues, medical malpractice issues, and the health education system.

Further, the Committee is responsible for reviewing each regulation proposed or adopted by a health profession licensing board that relates to the issuance or renewal of licenses, permits, or certificates. After reviewing a proposed regulation, the Committee may notify the agency of its opinion and recommend any appropriate legislation to the Legislature.

The LCHC held a total of seven meetings, including one work session. All public hearings were conducted through simultaneous videoconferencing between legislative meeting rooms at the Grant Sawyer State Office Building in Las Vegas, Nevada, and the Legislative Building in Carson City, Nevada. The summaries of testimony and exhibits are available online at: <https://www.leg.state.nv.us/App/InterimCommittee/REL/Interim2015/Committee/252>.

A variety of issues was addressed at the meetings of the LCHC. This document provides background information and discusses only those issues for which the LCHC made recommendations. These issues relate to:

- a. Health care workforce;
- b. Public health;
- c. Medicaid managed care;
- d. Physician orders for life-sustaining treatment;
- e. Rare diseases;
- f. Children's health;

- g. Autism treatment and services;
- h. Medicaid reimbursement rates;
- i. Health profession licensing and licensing boards;
- j. Behavioral health; and
- k. Ambulatory surgical centers.

At the seventh and final meeting, Committee members conducted a work session at which they adopted ten recommendations to be included in ten bill draft requests (BDRs). The BDRs concern: (1) health professional licensure compacts; (2) advanced practice registered nurses; (3) State employee contracting; (4) body mass index measurement in schools; (5) vapor and tobacco products; (6) physician orders for life-sustaining treatment; (7) posting of child abuse hotline telephone numbers in schools; (8) the definition of autism spectrum disorder; (9) behavioral health licensing boards; and (10) ambulatory surgical centers. Lastly, members authorized the Chair to send 16 letters on behalf of the LCHC.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON HEALTH CARE

Nevada Revised Statutes 439B.200

This summary presents the recommendations approved by the Legislative Committee on Health Care (LCHC) at its August 24, 2016, meeting. The LCHC submits the following recommendations and bill draft requests (BDRs) to the 79th Session of the Nevada Legislature:

PROPOSALS RELATING TO THE HEALTH CARE WORKFORCE

1. **Nurse Licensure Compact**—Send a letter to the Governor of the State of Nevada and the Director of the Department of Health and Human Services (DHHS) expressing the Committee’s support for bill draft request (BDR) 54-182, which would adopt the Nurse Licensure Compact.
2. **Health Professional Licensure Compacts**—Propose legislation to enact the:
 - a. Recognition of Emergency Medical Services Personnel Licensure Interstate [Compact](#); and
 - b. Psychology Interjurisdictional Compact—redraft the sections of Senate Bill 299 of the 2015 Legislative Session enacting the [Psychology Interjurisdictional Compact](#). **(BDR XX-351)**
3. **National Health Service Corps and Nurse Corps**—Send letters to medical facilities in Nevada that are eligible to serve as National Health Service Corps sites or Nurse Corps sites, strongly encouraging them to apply to and participate in these programs.
4. **Advanced Practice Registered Nurses**—Propose legislation to:
 - a. Amend the following sections of NRS to allow advanced practice registered nurses (APRNs) to perform the following tasks, which currently may only be performed by a physician:
 - i. [NRS 440.380](#): Amend to allow an APRN to sign a death certificate;
 - ii. [NRS 482.3831](#) through [482.384](#): Amend to allow an APRN to make all applicable diagnoses and certifications authorizing a person with a disability to obtain a special license plate or a temporary parking placard or sticker; and
 - iii. [NRS 706.8842](#): Amend to include an APRN in the definition of “medical examiner,” thereby allowing an APRN to issue a medical examiner’s certificate for a taxicab commercial driver’s license. **(BDR XX-352)**

5. **Graduate Medical Education Funding**—Send a letter to the Governor of the State of Nevada expressing the Committee’s support for and urging continuation of a \$5.25 million annual budget appropriation for graduate medical education (GME) in each year of the 2017–2019 Biennium.
6. **Graduate Medical Education**—Send a letter to Nevada’s Congressional Delegation advocating for:
 - a. No additional GME funding cuts; and
 - b. Redistributing full-time equivalent GME slots to Nevada hospitals.
7. **State Employee Contracting**—Propose legislation to amend subsection 9 of [NRS 333.705](#) to add “former state employees who are not receiving monetary retirement benefits through the Public Employee Retirement System of Nevada during the time period they are under contract” to the list of entities that are exempt from the prohibition on contracting with a former State employee for two years after the termination of the person’s State employment. **(BDR XX–354)**

PROPOSALS RELATING TO PUBLIC HEALTH

8. **Body Mass Index Measurement in Schools**—Redraft Section 9 of Senate Bill 178 (2015) to reestablish the requirements below concerning measurement of the height and weight of a representative sample of pupils. These requirements had sunset in 2015. Specifically, amend [NRS 392.420](#) to:
 - a. Reestablish the requirement that the board of trustees of each school district in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to direct school nurses, qualified health personnel, teachers who teach physical education or health, or other licensed educational personnel who have completed training in measuring the height and weight of a pupil provided by the school district to measure the height and weight of a representative sample of pupils who are enrolled in grades 4, 7, and 10 in the schools within the school district;
 - b. Require the Division of Public and Behavioral Health (DPBH), DHHS, to determine the number of pupils necessary to include in the representative sample;
 - c. Not require school authorities to provide notice to a student’s parent or guardian before measuring the child’s height or weight if it is not practicable to do so; and
 - d. Require each school nurse or his or her designee to report the results to the Chief Medical Officer. **(BDR XX–353)**

9. **Vapor Products and Tobacco Products**—Propose legislation to:
- a. Amend [NRS 202.2483](#), the “Nevada Clean Indoor Air Act,” to prohibit the use of vapor products, as defined in [NRS 202.2485](#), in all areas where tobacco smoking is prohibited; and
 - b. Add new provisions that:
 - i. Require nicotine containers used in vapor products to be sold in child resistant packaging, in accordance with the federal [Poison Prevention Packaging Act of 1970](#), 15 U.S.C. §§ 1471-1476, and 16 C.F.R. § 1700; and
 - ii. Require labels on vapor products and alternative nicotine products to include ingredients, nicotine level, and age restrictions. **(BDR XX-355)**

PROPOSALS RELATING TO MEDICAID MANAGED CARE

10. **Medicaid Managed Care Expansion**—Send letters to the Governor of the State of Nevada and the Director of the DHHS urging consideration of the concerns and recommendations expressed by the National Alliance on Mental Illness (NAMI), Nevada, in its June 16, 2016, letter to the LCHC, as the DHHS determines whether and how to expand Medicaid managed care to additional populations and geographic areas.
11. **Medicaid Managed Care Agreements/Request for Proposals**—Send a letter to the Division of Health Care Financing and Policy (DHCFP), DHHS, encouraging consideration of its relationship with Medicaid managed care organizations (MCOs) and requesting that DHCFP clarify the following in future managed care requests for proposals and contracts:
- a. The State has the authority to oversee the performance of MCOs and must ensure that specific performance criteria are included in the MCO contract and measured at least monthly. The results of performance criteria must be transparent and shared publically, including on the DHCFP’s website.
 - b. The MCOs must administer their provider contracts in accordance with Medicaid policies unless mutually agreed upon otherwise and documented by the State and providers.
 - c. Contracts between the State and MCOs must require each MCO to independently meet network adequacy standards, comparable to those established annually by Nevada’s Division of Insurance, through direct contracting with providers and hospitals.
 - d. The State is responsible for final policy/claims appeal if an MCO and a provider cannot reach an agreement.

- e. Geographic expansion of Medicaid managed care into the rural areas of Nevada will not occur until rural communities are ready.

**PROPOSAL RELATING TO PHYSICIAN ORDERS FOR
LIFE-SUSTAINING TREATMENT**

12. Physician Orders for Life-Sustaining Treatment—Propose legislation to:

- a. Amend [NRS 449.535](#) through [449.690](#) to allow an APRN to make all diagnoses applicable to a declaration to withhold or withdraw life-sustaining treatment and accept such a declaration;
- b. Amend subsection 2 of [NRS 449.6946](#) to require providers of health care to honor a patient’s most recent health care declaration, directive, or order to guide treatment instead of allowing a do-not-resuscitate identification that is on the person of a patient to take precedence over a subsequently executed physician orders for life-sustaining treatment (POLST);
- c. Establish who may serve as a health care surrogate for purposes related to a POLST, and authorize a health care surrogate to complete and sign a POLST for a patient who lacks decisional capacity if the patient does not have a Durable Power of Attorney for Health Care or a legal guardian. Amend NRS to provide that:
 - i. A health care surrogate has authority to consent to or withhold consent for treatment for a patient lacking decisional capacity.
 - ii. The following individuals may act as a health care surrogate for a patient, in order of priority: (1) spouse; (2) adult child; (3) parent; (4) sibling; (5) nearest other adult relative; or (6) an adult who has exhibited special care and concern for the patient, who is familiar with the patient’s values and willing and able to make health care decisions for the patient.
 - iii. Health care surrogates may not revoke a POLST completed by a patient or his or her durable power of attorney or guardian, and a surrogate’s consent is not valid if it conflicts with the patient’s valid POLST or advance directive.
 - iv. The physician has the right to determine fitness of a health care surrogate pursuant to the federal [Privacy Act of 1974](#), 45 CFR 164.502(g).
 - v. If a health care provider, a patient’s legal representative, or a patient’s health care surrogate believes the patient has regained decisional capacity, the patient may be reexamined and a decision shall be entered into the medical record and the health care surrogate must be notified.

- d. Establish that artificial nutrition and hydration must not be withheld from a patient who does not have an effective declaration as defined in [NRS 449.600](#) or POLST, unless a different desire is expressed in writing by the patient's health authorized representative or family member; and
- e. Establish that life-sustaining treatment must not be withheld or withdrawn from a patient known to be pregnant, so long as it is probable that a fetus will develop to the point of live birth with continued application of life-sustaining treatment. **(BDR XX-365)**

PROPOSAL RELATING TO RARE DISEASES

- 13. **Medical Education for Residents**—Send letters to GME residency programs in Nevada expressing the Committee's awareness of, and concern for, the population of Nevadans who are at risk for, and affected by, rare diseases such as Postural Orthostatic Tachycardia Syndrome (POTS), Ehlers-Danlos syndrome, and numerous others. In the letter:
 - a. Request that residency programs report to the LCHC and to the Senate and Assembly Committees on Health and Human Services on existing curriculum, requirements, and efforts to educate residents about rare disease, as well as future plans to include education and training on rare disease in residency curriculum;
 - b. Provide data on the incidence of rare disease. According to the National Institutes of Health, U.S. Department of Health and Human Services, an estimated 25 million to 30 million Americans have 1 of the 7,000 known rare diseases; and
 - c. Discuss the challenges experienced by those who have received a rare disease diagnosis due to the limited experience many providers have identifying and diagnosing such conditions. In addition, discuss promising therapies that are under development.

PROPOSALS RELATING TO CHILDREN'S HEALTH

- 14. **Children's Mental Health**—Send a letter to the Governor of the State of Nevada and the Director of the DHHS supporting the priorities of the Clark County Children's Mental Health Consortium, which include:
 - a. Restructuring the public children's behavioral health financing and delivery system to ensure quality, accountability, and positive outcomes for Clark County's children and families;
 - b. Providing mobile crisis intervention and stabilization services to Clark County youths in crisis;

- c. Expanding access to family-to-family peer support services for the families of Clark County’s children at risk for long-term institutional placement; and
 - d. Developing partnerships between schools and behavioral health providers to implement school-based and school-linked interventions for children identified with behavioral health care needs.
15. **Posting of Child Abuse Hotline Number in Schools**—Propose legislation to amend NRS to require all public schools, including charter schools, to post the State and local (if applicable) child abuse hotline telephone number in a clearly visible location in a public area of the school. Specifically, amend NRS to:
- a. Require each public school and charter school to post in a clearly visible location, in a public area of the school that is readily accessible to students, a sign that contains the toll-free hotline telephone number established by the Division of Child and Family Services (DCFS), DHHS, for reports of abuse or neglect pursuant to [NRS 432B.200](#) and the local child abuse hotline, if one is available;
 - b. Authorize the Director of the DHHS to adopt rules and regulations relating to the size and location of the sign provided that, at a minimum, it shall:
 - i. Be in English and Spanish;
 - ii. Be 11 inches by 17 inches or larger;
 - iii. Include text in a font large enough to be clear, simple, and understandable to students;
 - iv. Be posted in a high traffic location at the eye level of students;
 - v. Contain the current telephone number for the DCFS child abuse and neglect hotline and the local child abuse hotline, if applicable, in bold print;
 - vi. Contain instructions for calling 9-1-1 in an emergency; and
 - vii. Contain instructions for accessing DCFS’s website for more information on reporting abuse and neglect; and
 - c. Authorize the DCFS to design a poster that complies with these requirements and distribute the poster to schools in hard copy form or in electronic form for printing. **(BDR XX-362)**

16. **Children’s Health Insurance Program**—Send a letter to the DHHS encouraging DHCFP to examine Nevada’s Children’s Health Insurance Program (CHIP) eligibility policies to provide health insurance coverage to lawfully residing immigrant children who have not been in the country for five years. In the letter, provide information regarding other states’ eligibility policies, including the fact that CHIP programs in 29 states and the District of Columbia cover lawfully residing immigrant children without a five-year wait.

PROPOSALS RELATING TO AUTISM TREATMENT AND SERVICES IN NEVADA

17. **Autism Treatment Assistance Program and Medicaid**—Send a letter to the Director of the DHHS conveying the variety of concerns related to accessing services the Committee heard from numerous parents of children with autism, as well as providers of autism services. Include the following concerns.
 - a. The reimbursement rate for services provided to adults with autism under the Medicaid Home and Community-Based Services (HCBS) Waiver, especially in rural areas. Specifically mentioned were concerns regarding the residential support services rate for severely impacted adults with autism, the need to authorize day habilitation services provided in the home at a higher reimbursement rate, and the Medicaid reimbursement rate for Board Certified Behavior Analysts (BCBAs) who provide services to adults on the Medicaid HCBS Waiver to match the reimbursement rate for services provided to children.
 - b. Concerns expressed regarding Autism Treatment Assistance Program (ATAP) policies and programs include:
 - i. Allowing parents to continue to be able to hire their own interventionists with the assistance of a fiscal agent;
 - ii. Allowing payment to interventionists working under the supervision of a BCBA, without requiring a registered behavior technician (RBT) credential, until such time as there is a sufficient RBT workforce;
 - iii. Delaying the transfer of Medicaid-eligible children to Medicaid providers for individual children until a Medicaid provider is available to seamlessly accept and treat the child; and
 - iv. Continuing to ramp up efforts to serve children through Medicaid providers, using their current providers as much as is practicable.

- c. Concerns regarding Medicaid policy and programs include:
 - i. The need to review the RBT rate;
 - ii. Exploring with the Centers for Medicare and Medicaid Services the possibility of adopting the approach taken by ATAP to allow payment for services provided by an interventionist under the supervision of a BCBA for up to six months while the interventionist obtains an RBT credential;
 - iii. Supporting efforts to grow the State’s BCBA and Board Certified Assistant Behavior Analyst (BCaBA) workforce through the higher education system and encourage the Department of Employment, Training and Rehabilitation to include the BCaBA and RBT in their programs; and
 - iv. The need to review available programs and reimbursement rates for adults with autism.

18. **Redefine Autism**—Propose legislation to:

- a. Amend subsection 1 of [NRS 427A.875](#) to authorize ATAP to provide and coordinate services to persons “diagnosed or determined, including, without limitation, through use of a standardized assessment” to have autism spectrum disorders, through 19 years of age; and
- b. Amend [NRS 287.0276](#), [427A.875](#), [689A.0435](#), [689B.0335](#), [689C.1655](#), [695C.1717](#), and [695G.1645](#) to redefine “autism spectrum disorder” as “a condition that meets the diagnostic criteria published in the current edition of the Diagnostic and Statistical Manual of Mental Disorders or the edition that was in effect at the time of diagnosis.” **(BDR XX-363)**

19. **Collaboration Between School and Out-of-School ABA Services**—Send a letter to the Superintendent of Public Instruction urging Nevada’s Department of Education to develop a clear and consistent State policy, with guidance to school districts, for students with an Individualized Education Program (IEP) who require Applied Behavior Analysis (ABA) therapy. In developing the policy, the Department should consider:

- a. Whether an IEP should be required to specify the number of weekly ABA hours needed by the student, with a distinction between the hours to be provided in school and out of school;
- b. Specifying the credentials required of an ABA professional who assists in determining the total weekly ABA hours needed by the student;
- c. Requiring collaboration for ABA services to maximize their effectiveness and to ensure continuity of service across environments;

- d. Requiring schools to support access to ABA by endorsing the following or similar language in the IEP: “The IEP recognizes the student’s need to receive medically necessary treatment, which may impact full-time school attendance. An adjusted schedule is supported to allow student to receive treatment, which may occur in and/or outside of the school environment without incurring truancy”;
- e. Requiring the school to encourage a parent, through written communication from the school, to invite the student’s outside ABA professional(s) to participate in relevant IEP meetings; and
- f. Allowing a student’s out-of-school ABA Professional (i.e., BCBA or licensed psychologist)—who is funded by private insurance, Medicaid, or ATAP and who passes appropriate background checks—to observe the student in the school environment quarterly and/or allowing such a provider to support the student during the school day if the student’s behavior impedes learning or if the student’s history includes elopement, suspension, or aggression.

PROPOSAL RELATING TO MEDICAID REIMBURSEMENT RATES

- 20. **Medicaid Reimbursement Rates**—Send a letter to the Director of the DHHS expressing the Committee’s support for continuing to conduct regular evaluations of Medicaid provider reimbursement rates. Specifically, recommend that the DHHS review reimbursement rates for personal care services; home health services; and providers of community-based, long-term services and supports. Include with the letter the written testimony received related to increasing rates for these specialties.

PROPOSALS RELATING TO HEALTH PROFESSION LICENSING AND LICENSING BOARDS

- 21. **Oversight of Health Profession Licensing Boards**—Send a letter to the Interim Finance Committee; the Sunset Subcommittee of the Legislative Commission; the Senate Committee on Commerce, Labor, and Energy; the Assembly Committee on Commerce and Labor; and the Governor of the State of Nevada, expressing the LCHC’s concern regarding the lack of oversight of health profession licensing and licensing boards and its support for statutory changes necessary to provide such oversight. Specifically, express the Committee’s concern regarding the:
 - a. Numerous complaints the Committee received related to various health care profession licensing boards;
 - b. General lack of oversight of health profession licensing boards and the need for accountability;

- c. Investigation and appeals processes used by certain boards and the need for oversight over certain board decisions;
- d. Lack of transparency with regard to licensure data, the inability of some boards to provide requested data, and the need to increase data reporting requirements;
- e. Need for increased transparency and oversight of the finances of health profession licensing boards and for comprehensive, detailed reporting requirements to improve fiscal accountability;
- f. Application and licensure inefficiencies and extended application timelines due to the systems used by certain boards;
- g. Performance audit of the Board of Dental Examiners of Nevada by the Legislative Auditor and the refusal of the Board to accept 3 of the 14 recommendations made by the audit; and
- h. Direct impact boards have on the health care workforce and their ability to exacerbate the workforce shortage or to improve it, as exemplified by the challenges the Governor of the State of Nevada’s Social Workers in Schools program faced recruiting social workers and other qualified behavioral health providers in 2016.

22. Behavioral Health Licensing Boards—Propose legislation to:

- a. Consolidate, under the State Board of Health, within the DHHS, the behavioral health boards established in:
 - i. Chapter 641 (“Psychologists, Behavior Analysts, Assistant Behavior Analysts and Autism Behavior Interventionists”) of NRS;
 - ii. Chapter 641A (“Marriage and Family Therapists and Clinical Professional Counselors”) of NRS;
 - iii. Chapter 641B (“Social Workers”) of NRS; and
 - iv. Chapter 641C (“Alcohol, Drug and Gambling Counselors”) of NRS.
- b. Amend [NRS 439.030](#), which establishes the State Board of Health, to add four additional members to the Board appointed by the Governor of the State of Nevada, including:
 - i. One member who is a psychologist or a board certified behavior analyst;
 - ii. One member who is a marriage and family therapist or a clinical professional counselor;

- iii. One member who is a social worker; and
 - iv. One member who is an alcohol, drug, and gambling counselor and who has engaged in the practice of his or her specific profession in this State for not less than five years immediately prior to the appointment.
- c. Require the Bureau of Health Care Quality and Compliance (HCQC), DPBH, DHHS, to assume responsibility for administration of licensure, investigations, and complaint resolution for all mental health professionals currently licensed in Chapters 641, 641A, 641B, and 641C of NRS.
 - d. Establish, under the State Board of Health, four profession-specific “subcommittees” through which each professional area licensed under Chapters 641 through 641C of NRS will make recommendations to the Board regarding licensure requirements, standards-of-practice, and regulations.
 - i. One subcommittee will be established for each of the existing NRS behavioral health profession chapters (641, 641A, 641B, and 641C).
 - ii. Each subcommittee consists of three members who have been residents of this State for at least one year before appointment. Subcommittees are comprised of:
 - (1) One member who is a member of the State Board of Health;
 - (2) At least one member, but not more than two, who is licensed in the professional area he or she regulates and has five years of experience in the applicable profession;
 - (3) At least one member, but not more than two, must have served within the previous ten years as core or full-time faculty at a regionally accredited college or university in a program related to the applicable profession and have experience in the design and development of the curriculum of a related program; and
 - (4) If qualified, a subcommittee member may serve on more than one subcommittee.
 - iii. Subcommittee members are initially appointed by the State Board of Health. After initial appointment, the Governor of the State of Nevada shall appoint subcommittee members. A member first appointed by the Board shall continue to serve until appointed or replaced by the Governor of the State of Nevada. Initially, members will serve staggered terms.
 - iv. After the initial term, subcommittee members serve at the pleasure of the Governor of the State of Nevada for terms of three years. A member shall not serve more than two full consecutive terms.

- v. Each member of a subcommittee is entitled to receive:
 - (1) A salary of not more than \$80 per day, as fixed by the State Board of Health, while engaged in and necessarily spent in performance of his or her subcommittee duties; and
 - (2) A per diem allowance and travel expenses at a rate fixed by the State Board of Health, while engaged in the business of the subcommittee. The rate must not exceed the rate provided for State officers and employees generally.
- vi. Each subcommittee shall annually elect a chairman and secretary from its membership.
- vii. Subcommittee members are personally immune from suit with respect to all acts done and actions taken in good faith and in furtherance of the purposes of this bill.
- viii. Subcommittee members shall receive at least five hours of training as prescribed by the State Board of Health within one year after the member is initially appointed. Training must include instruction on ethics and open meeting requirements.
- e. Require the State Board of Health to review each subcommittee's regulations before being submitted to the Legislative Commission for final approval to ensure that the regulations are in the best interest of the public and do not unnecessarily restrict individuals from entering or practicing the profession.
- f. Establish that the HCQC shall be responsible for disciplining licensees.
 - i. The HCQC may establish in regulation peer review panels to evaluate complaints against similarly licensed behavioral health professionals.
 - ii. The State Board of Health may authorize continuing education credits to qualified behavioral health professionals who choose to serve on such peer review panels.
 - iii. The HCQC will conduct an investigation of a complaint against a behavioral health professional with the assistance of a peer review panel, if the HCQC decides to establish such panels.
 - iv. The results of an investigation of a complaint will be submitted to the appropriate subcommittee.
 - v. Based on the results of an investigation, each subcommittee shall recommend appropriate disciplinary action to the HCQC, if the recommendation is not license revocation. Recommendations of license revocation shall be submitted to the State Board of Health.

- vi. The HCQC or the State Board of Health, as applicable, will review recommendations for disciplinary action and discipline licensees.
- g. Redirect board fees and funds generated through licensure and other funding streams from boards established pursuant to Chapters 641, 641A, 641B, and 641C of NRS to DPBH to support the activities of licensure administration, investigation, and regulatory oversight for behavioral health professionals.
- h. Require the State Board of Health to make necessary regulatory changes to existing regulation in Chapters 641, 641A, 641B, and 641C of *Nevada Administrative Code*, and develop new regulations to comply with these legislative changes.
- i. Establish that any regulations adopted by boards established pursuant to Chapters 641, 641A, 641B, and 641C of NRS which do not conflict with the provisions outlined above remain in effect and may be enforced by the appropriate board until the State Board of Health adopts regulations to repeal or replace those regulations. Any regulations adopted by the above boards that conflict with these provisions are void.
- j. Require the DHHS to develop a plan for transitioning from the existing licensing board structure to the new behavioral health profession licensing structure within the State Board of Health so that licensees and the public can follow and participate in the transition process. The plan must be presented at a meeting in compliance with the open meeting law and adopted at a second meeting in compliance with the open meeting law. Provisions of Chapter 233B (“Nevada Administrative Procedure Act”) of NRS do not apply to this transition plan.
- k. Contracts and agreements, disciplinary and administrative actions, and licenses issued by such boards remain in effect as if taken by the officer or entity to which the responsibility for the enforcement of such action has been transferred. **(BDR 54–410)**

PROPOSALS RELATING TO BEHAVIORAL HEALTH

- 23. **Behavioral Health Education for Law Enforcement**—Send a letter to the Directors of the Department of Public Safety and the DHHS and to the heads of local law enforcement expressing the Committee’s support for the development of a statewide behavioral health education/training requirement for law enforcement officers.
- 24. **Mental Health Courts**—Send a letter to the Senate Committee on Finance, the Assembly Committee on Ways and Means, and the Director of the DHHS expressing the LCHC’s support for mental health and other specialty courts. The letter will:
 - a. Encourage and support the development of additional residential substance abuse treatment beds and the establishment of treatment beds for people diagnosed with co-occurring disorders, as there are currently no such beds in the State;

- b. Express the Committee’s continued support for providing funding for housing, transportation, and drug testing for specialty court participants; and
 - c. Mention the potential of public-private partnerships to assist in providing such funding.
25. **Crisis Intervention**—Send a letter to the Senate Committee on Finance, the Assembly Committee on Ways and Means, and the Director of the DHHS expressing the LCHC’s support for expansion and development of crisis intervention services and crisis stabilization centers. The letter will express support for:
- a. Expansion of crisis intervention and jail diversion programs such as the Forensic Assessment Services Triage Team (FASTT), Mobile Outreach Safety Team (MOST), and crisis intervention training; and
 - b. Development of crisis stabilization centers in the State, where people experiencing a crisis related to a mental health condition can access services 24 hours per day, 7 days per week. This type of center can provide timely de-escalation, early intervention, and patient stabilization to prevent the need for higher levels—and more costly—care.

**PROPOSALS RELATING TO AMBULATORY
SURGICAL CENTERS**

26. **Ambulatory Surgical Centers**—Propose legislation to:
- a. Amend Chapter 449 (“Medical Facilities and Other Related Entities”) of NRS to prohibit an ambulatory surgical center from performing surgical services that routinely result in admission to another licensed medical facility within 24 hours after discharge from the surgical center;
 - b. Amend [NRS 439A.250](#) to require the DHHS to impose a penalty on surgical centers for ambulatory patients, pursuant to [NRS 439A.310](#), after sending two notices indicating that the center failed to submit the required information, or the information was incomplete or inaccurate.
 - c. Amend subsection 2 of [NRS 439A.280](#) to exempt [NRS 439A.240](#) and [439A.250](#) from the programs and duties for which the DHHS can temporarily suspend if it determines sufficient funds are not available. **(BDR XX-364)**

**LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO CONDUCT
A STUDY OF POSTACUTE CARE**

Assembly Bill 242
(Chapter 306, *Statutes of Nevada 2015*)

Members

Assemblywoman Robin L. Titus, M.D., Chair
Senator Joseph (Joe) P. Hardy, M.D., Vice Chair
Senator Joyce Woodhouse
Assemblywoman Teresa Benitez-Thompson

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Assembly Bill No. 242–Committee on
Health and Human Services

CHAPTER.....

AN ACT relating to public health; requiring the Legislative Commission to appoint a subcommittee to conduct a study relating to postacute care in Nevada; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

This bill requires the Legislative Commission to appoint a subcommittee to conduct a study relating to postacute care in Nevada, including alternatives to institutionalization, cost savings of home- and community-based waiver programs, the impact of postacute care services on the quality of life of a person receiving such services and a review of the state and national quality measures and funding methodologies for postacute care.

EXPLANATION – Matter in *bolded italics* is new, matter between brackets ~~omitted material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Sections 1-11. (Deleted by amendment.)

Sec. 12. 1. The Legislative Commission shall appoint a subcommittee to conduct an interim study of postacute care in this State.

2. The subcommittee must be composed of four Legislators as follows:

(a) One member appointed by the Majority Leader of the Senate from the membership of the Senate Standing Committee on Health and Human Services;

(b) One member appointed by the Minority Leader of the Senate from the membership of the Senate Standing Committee on Health and Human Services;

(c) One member appointed by the Speaker of the Assembly from the membership of the Assembly Standing Committee on Health and Human Services; and

(d) One member appointed by the Minority Leader of the Assembly from the membership of the Assembly Standing Committee on Health and Human Services.

3. The study must include, without limitation:

(a) A review and evaluation of the quality and funding of postacute care in this State and alternatives to institutionalization for providing such care, including home- and community-based waiver programs;



(b) An evaluation of the cost of such alternatives and potential savings from each alternative;

(c) Consideration of the positive and negative effects of the various alternatives for providing postacute care services on the quality of life of persons receiving those services in this State;

(d) A review of state and national quality measures for postacute care required to be reported by Medicare, Medicaid and this State; and

(e) A review of state and federal funding for postacute care, including the funding formula used in this State.

4. Any recommended legislation proposed by the subcommittee must be approved by a majority of the members of the subcommittee.

5. The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature.

Sec. 13. This act becomes effective on July 1, 2015.



ABSTRACT

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO CONDUCT A STUDY OF POSTACUTE CARE

Assembly Bill 242
(Chapter 306, *Statutes of Nevada 2015*)

The Subcommittee to Conduct a Study of Postacute Care is required to conduct a study relating to postacute care in Nevada, including a review of the quality and cost of postacute care; alternatives to institutionalization; cost savings of home- and community-based waiver programs; the impact of alternatives to institutionalization on the quality of life of a person receiving postacute care services; and State and national quality measures and funding methodologies for postacute care. The Subcommittee may recommend legislation to the 2017 Nevada Legislature concerning postacute care.

The Legislative Commission appointed four members to the Subcommittee, including Assemblywoman Robin L. Titus, M.D. (Chair), Senator Joseph (Joe) P. Hardy, M.D. (Vice Chair), Senator Joyce Woodhouse, and Assemblywoman Teresa Benitez-Thompson. The Subcommittee met four times in Carson City, Nevada, at the Legislative Building on November 17, 2015, and February 17, April 6, and July 6, 2016. All four meetings were broadcast live on the Internet and videoconferenced to the Grant Sawyer State Office Building in Las Vegas, Nevada, which allowed testimony from both locations.

During the course of the interim, representatives from State and local agencies, businesses, community groups, nonprofit and professional organizations, and the public provided testimony on a wide range of topics related to postacute care.

During the first meeting on November 17, 2015, the Subcommittee heard testimony related to the types of postacute care and quality measures, the quality of institutional and home- and community-based care, and the impact of alternatives to institutionalization on quality of life.

At the second meeting on February 17, 2016, the Subcommittee heard testimony related to State and federal funding for institutional and home- and community-based postacute care. In addition, the Subcommittee received information regarding funding by private insurance, self-funded care, and other funding sources for postacute care.

Testimony during the third meeting on April 6, 2016, included a review and evaluation of the quality and funding of postacute care in Nevada and a review of various recommendations submitted for the Subcommittee's consideration.

During the fourth and final meeting on July 6, 2016, the Subcommittee held a work session during which the members considered seven recommendations. The members voted to forward five recommendations as bill draft requests (BDRs) to the 79th Session of the Nevada

Legislature and to write a letter to various entities expressing their support for a specific issue. The BDRs relate to the following topics:

1. Medicaid reimbursement rates for personal care services;
2. A comparative analysis of the rates of reimbursement that cover the cost for personal care services and home- and community-based services;
3. Establishing regulation standards for certain facilities providing 24-hour, long-term care for individuals who need supervision and assistance with personal care and medication management;
4. Authority of the long-term care ombudsmen; and
5. Authority for certain personal care and home health care workers to assist residents of certain facilities with checking certain vital signs, with the residents' consent.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO CONDUCT A STUDY OF POSTACUTE CARE

Assembly Bill 242
(Chapter 306, *Statutes of Nevada 2015*)

On July 6, 2016, during the fourth and final meeting of the Subcommittee to Conduct a Study of Postacute Care, the members conducted a work session and voted to forward five recommendations as bill draft requests (BDRs) to the 2017 Legislative Session. The Subcommittee members also voted to have one letter expressing their support for a specific issue and encouraging certain action. During the work session, the members also voted to include several statements of support for issues in the Subcommittee's final report. A summary of each BDR and letter follows, while the statements of support will appear in the Subcommittee's bulletin (interim study report).

During the drafting process, specific details of the following proposals for legislation and letters may be further clarified by staff in consultation with the Chair or others, as appropriate. If a proposal for legislation or the letter includes reference to specific chapters or statutes of the *Nevada Revised Statutes* (NRS), as part of the drafting process, amendments to other related chapters or sections of NRS may be made to fully implement the proposals.

BILL DRAFT REQUESTS

1. Submit a BDR requiring the Division of Health Care Financing and Policy (DHCFP), Department of Health and Human Services (DHHS), to study the adequacy of the rates of reimbursement through Medicaid waiver programs for personal care services provided in personal residences, assisted living facilities, residential facilities for groups, and facilities for the care of adults during the day. In conducting the study, the DHCFP must consider reasonable cost of care assessments provided by personal care service providers in Nevada, the Medical Care Consumer Price Index, Nevada's rates in comparison to rates in other demographically similar states, and direct care staff labor costs. Upon completion of this study, the DHCFP shall prepare a report setting forth its findings and recommendations. In addition, if the rate is determined to be inadequate, the DHCFP must propose an adjusted Medicaid rate that adequately covers the cost for providing personal care services for consideration during the 80th (2019) Session of the Nevada Legislature. The report must be completed by March 1, 2018, and submitted to the Legislative Counsel Bureau (LCB) to be transmitted to the Legislative Committee on Health Care and the Interim Finance Committee. **(BDR XX-368)**
2. Submit a BDR requiring the DHCFP to conduct a comparative analysis of the rates of reimbursement that cover the cost for personal care services and home- and

community-based services provided by: (1) residential facilities for groups (as defined by NRS 449.017); (2) providers of supported living arrangement services (as defined by NRS 449.0159); and (3) providers of community-based services for persons with physical disabilities, frail elderly persons, and persons with intellectual disabilities or related conditions to identify any disparities in the rates of reimbursement for equivalent services among these different types of providers. Upon the completion of its analysis, the DHCFP shall prepare a report setting forth its findings and recommendations. The report must be completed by March 1, 2018, and submitted to the LCB to be transmitted to the Legislative Committee on Health Care and the Interim Finance Committee. **(BDR XX-369)**

3. Submit a BDR requiring the DHHS to establish by regulation standards for certain facilities providing 24-hour, long-term care for individuals who need supervision and assistance with personal care and medication management, including residential facilities for groups, supported living arrangements, and community-based living arrangements. Specifically, provide uniformity by establishing the following essential standards:
 - a. Develop consistent authority to provide oversight for each regulating State agency;
 - b. Require every facility or living arrangement to receive an annual State inspection or survey;
 - c. Ensure that the penalties which may be imposed on a facility or living arrangement for violation of an applicable law or regulation are enforceable and consistent;
 - d. Authorize each regulating agency to impose comparable fines; and
 - e. Require clear notification of the State agency responsible for providing oversight for each facility or living arrangement; develop a “no wrong door” policy for reporting complaints among regulatory agencies; and ensure that residents are notified of the services that are authorized and the services that are required to be provided within that setting. **(BDR XX-370)**
4. Submit a BDR expanding the authority of the long-term care ombudsmen to include the ability to advocate for residents of the following living arrangements and facility types:
 - a. Living arrangements;
 - (1) Supported living arrangements, Aging and Disability Services Division, DHHS (NRS 435.3315); and
 - (2) Community-based living arrangements, Division of Public and Behavioral Health (DPBH), DHHS; and

b. Facilities for the care of adults during the day. **(BDR XX-371)**

5. Submit a BDR requiring the adoption of regulations by the State Board of Health, DPBH, DHHS, and relevant professional licensing agencies that authorize any person: (1) who is employed by a residential facility for groups (as defined by NRS 449.017), an agency to provide personal care services in the home (as defined by NRS 449.0021), an intermediary service organization (as defined by NRS 449.4304), or a facility for the care of adults during the day (as defined by NRS 449.004); and (2) who has completed training in accordance with standards adopted by the State Board of Health and relevant professional licensing agencies to engage in the activities noted below.

Such a person may, with the consent of the resident: (1) check, record, and report the temperature, blood pressure, pulse, apical heart rate, respiration or oxygen saturation of a resident, or any combination of these; (2) administer insulin furnished by a registered pharmacist to a resident for the treatment of insulin-dependent diabetes as directed by a physician and using an auto-injection device approved by the United States Food and Drug Administration for use in the home; and (3) conduct a glucose test on a resident with diabetes using a device for monitoring that is approved as described above and used only on that resident. **(BDR XX-372)**

LETTER

6. Submit a letter to the Governor of the State of Nevada, the Director of the DHHS, and the Chairs of the Senate Committee on Finance and Assembly Committee on Ways and Means during the 2017 Legislative Session recommending and expressing support for:
- a. A review of the rate methodology for postacute care facilities and personal care and home health care services;
 - b. Inclusion of an appropriation in the Governor's recommended budget and the legislatively approved budget that supports payment rates that are sufficient to ensure that Medicaid beneficiaries have access to covered Medicaid services; and
 - c. Indexing the rate to increase with inflation in future biennia.

LEGISLATIVE COMMITTEE ON PUBLIC LANDS

Nevada Revised Statutes 218E.510

Members

Senator Donald G. Gustavson, Chair
Assemblyman Ira Hansen, Vice Chair
Senator Pete Goicoechea
Senator Ben Kieckhefer
Senator David R. Parks
Assemblyman John C. Ellison
Assemblywoman Heidi Swank
Assemblywoman Robin L. Titus, M.D.
Ron Cerri, Humboldt County Commissioner

Alternate Members

Senator Kelvin Atkinson
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Nevada Revised Statutes

NRS 218E.510 Creation; membership; budget; officers; terms; vacancies; alternates.

1. There is hereby established a Legislative Committee on Public Lands consisting of four members of the Senate, four members of the Assembly and one elected officer representing the governing body of a local political subdivision, appointed by the Legislative Commission with appropriate regard for their experience with and knowledge of matters relating to public lands. The members who are Legislators must be appointed to provide representation from the various geographical regions of the State.

2. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.

3. The members of the Committee shall select a Chair from one House and a Vice Chair from the other House. Each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the office of Chair or Vice Chair, the members of the Committee shall select a replacement for the remainder of the unexpired term.

4. Any member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session convenes.

5. Vacancies on the Committee must be filled in the same manner as original appointments.

6. The Legislative Commission may appoint alternates for members of the Committee. The Chair of the Committee:

(a) May designate an alternate appointed by the Legislative Commission to serve in place of a regular member who is unable to attend a meeting; and

(b) Shall appoint an alternate who is a member of the same House and political party as the regular member to serve in place of the regular member if one is available.

(Added to NRS by 1979, 5; A 1983, 209; 1985, 589; 2009, 1150, 1561; 2011, 3224)—(Substituted in revision for NRS 218.5363)

ABSTRACT

LEGISLATIVE COMMITTEE ON PUBLIC LANDS

Nevada Revised Statutes (NRS) 218E.510

The Legislative Committee on Public Lands is a permanent committee of the Nevada Legislature created in 1983. Chapter 218E (“Legislative Investigations and Hearings; Legislative Commission and Other Committees”) of NRS sets forth the Committee’s authority and duties.

Nevada’s Legislative Committee on Public Lands monitors dozens of natural resource and public lands matters crucial to the State’s economy, lifestyles, and traditions. The Committee considers a wide range of subjects, covering all facets of forest and range science; methods of public land management and oversight; resources associated with public lands; rural infrastructure; and public services. Because most of Nevada’s lands (more than 85 percent) are under federal management, issues associated with public lands have long been a topic of interest for the Nevada Legislature.

The Committee held six meetings during the 2015–2016 Interim. The meetings took place in Caliente, Carson City (2), Elko, Las Vegas, and Winnemucca.

The Committee received and discussed reports from:

- The Carson City, Elko, Ely, southern Nevada, and Winnemucca District Offices, and the Nevada State Office of the Bureau of Land Management (BLM), United States Department of the Interior (DOI);
- The Humboldt–Toiyabe National Forest and its Carson, Mountain City–Ruby Mountains–Jarbidge, and Santa Rosa Ranger Districts, and the Spring Mountains National Recreation Area, U.S. Forest Service, U.S. Department of Agriculture;
- The U.S. Bureau of Reclamation, DOI, in the Lower Colorado River Area;
- The Nevada State Office of the U.S. Fish and Wildlife Service, DOI, and its southern Nevada Office and the Sheldon–Hart Mountain National Wildlife Refuge Complex;
- Carson City and Clark, Elko, Eureka, Humboldt, Lincoln, Lyon, Pershing, and White Pine Counties;
- The Colorado River Commission of Nevada and the Southern Nevada Water Authority;
- The Sagebrush Ecosystem Program and the Land Use Planning Advisory Council, Division of State Lands, State Department of Conservation and Natural Resources;

- The State Department of Agriculture;
- Nevada's Department of Wildlife; and
- Nevada Association of Counties.

In addition, the Committee received reports and discussed important topics affecting Nevada's public lands, including:

- Federal legislation;
- Clark County flood control;
- Basin and Range National Monument;
- Nevada's climate, atmospheric conditions, and precipitation outlook;
- Off-highway vehicles;
- Mining;
- Silver Peak Lithium Mine Operation;
- Legislative Commission's Subcommittee to Study Water;
- Eastern Nevada Landscape Coalition;
- Laws and regulations related to rodent control;
- Fencing on public lands adjacent to State-owned transportation right-of-ways;
- Walker Basin Restoration Program; and
- Nevada Drought Forum.

At its work session in Carson City, the Committee approved 4 proposals for drafting legislation and 13 proposals for letters or including statements in the final report. The topics covered included:

- General public lands issues;
- Estray horses, wild horses, and burros; and
- Off-highway vehicles.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON PUBLIC LANDS

Nevada Revised Statutes (NRS) 218E.510

This summary presents the recommendations approved by the Legislative Committee on Public Lands during the 2015–2016 Legislative Interim at meetings held on April 15, 2016, in Winnemucca, Nevada; May 20, 2016 in Caliente, Nevada; and at the Committee’s final meeting held on August 19, 2016, in Carson City, Nevada. The bill draft requests (BDRs) will be forwarded to the Legislative Commission for transmittal to the 79th Session of the Nevada Legislature in 2017.

RECOMMENDATIONS FOR LEGISLATION

1. Draft a legislative resolution urging Congress to enact federal legislation requiring the approval of the Nevada Congressional Delegation prior to the designation of any future monuments located in the State of Nevada. **(BDR –333)**
2. Request the drafting of a bill to allow: (1) for the discharge of a firearm on or across a federal, State, or county road for the purpose of varmint control; and (2) carrying a loaded weapon on or along a public way in a vehicle with the intent to shoot varmint. **(BDR –334)**
3. Request the drafting of a bill to clarify that a properly marked barbed wire fence meets the definition of a legal fence. **(BDR –335)**
4. Request the drafting of a bill to prohibit the State Engineer from considering wildlife a beneficial use when perfecting a water right. **(BDR –336)**

RECOMMENDATIONS FOR COMMITTEE ACTION: COMMITTEE LETTERS

5. Send a letter to the Bureau of Land Management (BLM), United States Department of the Interior, expressing the Committee’s support for the Nevada Association of Counties’ comments concerning the proposed changes to the BLM’s planning regulations found in the Planning 2.0 initiative (81 FR 9674).
6. Send a letter to the Nevada State Director of the BLM to request commencement of negotiations concerning the Albemarle Corporation’s proposal to purchase stockpiled salts located at the Silver Peak Mine site in Esmeralda County.

7. Send a letter to Nevada's Congressional Delegation expressing the Committee's support for Senate Joint Resolution 1 No. (File No. 30, *Statutes of Nevada 2015*), which urges Congress to enact legislation transferring title and ownership of certain federally administered land to the State of Nevada pursuant to the plan laid out in the Nevada Land Management Task Force report (Assembly Bill 227, [Chapter 299, *Statutes of Nevada 2013*]).
8. Send a letter to the Nevada State Director of the BLM, and the Forest Supervisor of the Humboldt-Toiyabe National Forest, U.S. Forest Service (USFS), U.S. Department of Agriculture (USDA), encouraging the incorporation of annual grasses into grazing level calculations and to ensure flexibility is built into grazing permits to allow for adaptive management as issues and concerns arise.
9. Send a letter to the Governor and the Director of the State Department of Conservation and Natural Resources (SDCNR) requesting the creation of a staff position within the SDCNR to assist counties in preparing land use plans and studies that analyze the economic and environmental impacts of various federal land management agency actions.
10. Send a letter to the Governor and Attorney General (AG) requesting funding support necessary to implement Senate Bill 456 (Chapter 452, *Statutes of Nevada 2015*), which urges the AG to take a leadership role in pursuing actions on behalf of the State and counties in formalizing and finalizing title to accessory roads and public roads.
11. Send a letter to the President of the Real Estate Commission, Real Estate Division, Department of Business and Industry, urging the Commission to investigate and take appropriate action to ensure that purchasers of land are aware of the consequences and responsibilities of signing an Open Range Disclosure as required by NRS 113.065.
12. Send a letter to the Office of the State Engineer, Division of Water Resources, SDCNR, requesting that the Office review all claims for water by the BLM and other federal agencies and immediately dispose of those claims that clearly do not meet the criteria of a Public Water Reserve No. 107 or a vested right.
13. Send a letter to the Nevada State Director of the BLM, and the Forest Supervisor of the Humboldt-Toiyabe National Forest, USFS, USDA, urging each agency to manage wild horses and burros in accordance with the provisions of the Wild Free-Roaming Horses and Burro Act (WH&B) of 1971. The Act authorizes the BLM to remove excess wild horses and burros from the range to sustain the health and productivity of public lands.
14. Send a letter to the Office of the AG requesting the AG to take any legal action deemed appropriate to compel the BLM and USFS to manage wild horse and burro herds as required by federal law under the WH&B Act and subsequent amendments.

15. Send a letter to the Chair of the Senate Committee on Finance and the Chair of the Assembly Committee on Ways and Means of the 2017 Legislative Session requesting support and the necessary funding to implement an effective management program for feral and stray horses.
16. Send a letter to the BLM seeking shared revenue from the sale of horses trained in the prison industry wild horse program, to expand the program to train more wild horses, and to share revenue from the sale of horses with the State and inmates involved in the training.
17. Send a letter to the Department of Motor Vehicles seeking information regarding the cost and feasibility of creating an Internet-based off-highway vehicles (OHVs) registration system.
18. Send a letter to the Director of the Department of Tourism and Cultural Affairs requesting that any OHV promotional information created by the Department relating to public lands also contain educational information regarding the legal use of OHVs.

**RECOMMENDATIONS FOR COMMITTEE ACTION:
STATEMENTS IN THE FINAL REPORT**

19. Include a statement in the final report expressing the Committee's support of the lawsuit (*Western Exploration LLC, et. al. v. U.S. Department of the Interior, et. al.*) challenging the BLM's and USFS's land management plans regarding sage-grouse management in Nevada.

**LEGISLATIVE COMMITTEE ON SENIOR CITIZENS,
VETERANS AND ADULTS WITH SPECIAL NEEDS**

Nevada Revised Statutes 218E.750

Members

Senator Joseph (Joe) P. Hardy, M.D., Chair
Assemblyman Philip (P. K.) O'Neill, Vice Chair
Senator Mark A. Manendo
Senator Patricia (Pat) Spearman
Assemblywoman Ellen B. Spiegel
Assemblyman Lynn D. Stewart

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Nevada Revised Statutes

NRS 218E.750 Creation; membership; budget; officers; terms; vacancies.

1. The Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs, consisting of six members, is hereby created. The membership of the Committee consists of:

(a) Three members of the Senate appointed by the Majority Leader of the Senate, at least one of whom must be a member of the minority political party; and

(b) Three members of the Assembly appointed by the Speaker of the Assembly, at least one of whom must be a member of the minority political party.

2. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.

3. The Legislative Commission shall select the Chair and Vice Chair of the Committee from among the members of the Committee. After the initial selection, each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. The office of Chair of the Committee must alternate each biennium between the Houses. If a vacancy occurs in the office of Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

4. A member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session convenes.

5. A vacancy on the Committee must be filled in the same manner as the original appointment for the remainder of the unexpired term. (Added to NRS by [2009, 2412](#); A [2011, 3235](#))

ABSTRACT

LEGISLATIVE COMMITTEE ON SENIOR CITIZENS, VETERANS AND ADULTS WITH SPECIAL NEEDS

Nevada Revised Statutes 218E.750

The Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs is authorized to review, study, and comment on issues relating to senior citizens, veterans, and adults with special needs, including, but not limited to: initiatives to ensure financial and physical wellness; abuse, neglect, isolation, and exploitation; public outreach and advocacy; programs for the provision of services and methods to enhance programs to ensure that services are provided in the most appropriate setting; programs that provide services and care in the home; the availability of useful information and data as needed for the State to effectively make decisions, plan budgets, and monitor costs and outcomes of services; laws relating to the appointment of a guardian, including the improvement of investigations relating to guardianships and systems for monitoring guardianships; and the improvement of facilities for long-term care in Nevada.

The Legislative Commission appointed six members to the Committee, including Senator Joseph (Joe) P. Hardy, M.D. (Chair), Assemblyman Philip (P. K.) O'Neill (Vice Chair), Senator Mark A. Manendo, Senator Patricia (Pat) Spearman, Assemblywoman Ellen B. Spiegel, and Assemblyman Lynn D. Stewart. The Committee met four times in Las Vegas, Nevada, at the Grant Sawyer State Office Building on February 22, March 28, June 13, and July 18, 2016. All four meetings were broadcast live on the Internet and videoconferenced to the Legislative Building in Carson City, Nevada, which allowed testimony from both locations.

During the course of the interim, representatives from State and local agencies, businesses, community groups, nonprofit and professional organizations, and the public provided testimony on a wide range of topics related to senior citizens, veterans, and adults with special needs.

During the first meeting on February 22, 2016, the Committee heard testimony related to military veterans in Nevada.

At the second meeting on March 28, 2016, the Committee heard testimony related to seniors and adults with special needs and their ability to access health care providers and services. In addition, the Committee received an update on the Senior Rx and Disability Rx programs and laws pertaining to residential facilities for groups and independent living programs.

Testimony during the third meeting on June 13, 2016, related to topics such as: military and veteran education services and programs; services and programs for college students with disabilities; and certain services and programs for persons who are deaf or hard of hearing.

During the fourth and final meeting on July 18, 2016, the Committee received a report regarding the status of senior health in our country and held a work session during which the members considered 14 recommendations. The members voted to forward five recommendations as bill draft requests (BDRs) to the 79th Session of the Nevada Legislature and to write eight letters to various entities expressing their support for specific issues. The BDRs relate to the following topics:

1. Sign language interpreters in the Aging and Disability Services Division, Department of Health and Human Services;
2. Funding to support the Meals on Wheels Program;
3. Revisions to certain laws regarding residential facilities for groups;
4. Funding to support the Adopt a Vet Dental Program; and
5. Revisions to the Veterans Treatment Court.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON SENIOR CITIZENS, VETERANS AND ADULTS WITH SPECIAL NEEDS

Nevada Revised Statutes 218E.750

On July 18, 2016, during the fourth and final meeting of the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs (*Nevada Revised Statutes* [NRS] 218E.750), the members conducted a work session and voted to forward five recommendations as bill draft requests (BDRs) to the 2017 Legislative Session. The Committee members also voted to have eight letters drafted to various entities expressing their support for specific issues or encouraging certain actions. During the work session, the members also voted to include several statements of support for issues in the Committee's bulletin (interim study report). A summary of each BDR and letter follows, while the statements of support will appear in the Committee's bulletin later this year.

During the drafting process, specific details of the following proposals for legislation and letters may be further clarified by staff in consultation with the Chair or others, as appropriate. If a proposal for legislation or letter includes reference to specific chapters or statutes of NRS, as part of the drafting process, amendments to other related chapters or sections of NRS may be made to fully implement the proposals.

BILL DRAFT REQUESTS

1. Submit a BDR appropriating \$378,953.28 (\$94,738.32 for each position) to the Aging and Disability Services Division (ADSD), Department of Health and Human Services (DHHS), to convert four sign language interpreter contracted positions to State employee positions at a Grade 37, Step 5. **(BDR -145)**
2. Submit a BDR appropriating \$1,060,000 to ADSD to support the cost of Meals on Wheels (MOW) not covered by the federal government and to provide MOW to eligible individuals currently on the waiting list. **(BDR -152)**
3. Submit a BDR revising the following provisions related to residential facilities for groups (NRS 449.017):
 - a. Define residential facilities for groups, with no more than ten residents, as a single family home, and specify that such facilities are deemed residential and not commercial for the purpose related to building codes and zoning;
 - b. Require residential facilities for groups with two or more residents to maintain a NFPA 13R residential sprinkler system **(BDR -146)**; and

- c. Enact a provision that revises minimum wage and overtime requirements and other applicable State laws related to domestic service employees who reside in the household to conform to 29 C.F.R. § 552.102 (2016). **(BDR -149)**
4. Submit a BDR to appropriate funds in the amount of \$124,981 per fiscal year (FY) for State FY 2018 and FY 2019 to support the Adopt a Vet Dental Program. **(BDR -147)**
5. Submit a BDR making the following revisions to the Veterans Treatment Court (VTC) (NRS 176A.280):
 - a. Appropriate funding in the amount of \$200,222 for a VTC coordinator at the Eighth Judicial District Court level and redraft Assembly Bill 327 (2015), a failed measure **(BDR -148)**;
 - b. Grant authority for the Division of Parole and Probation, Department of Public Safety, to supervise a defendant assigned to a program established pursuant to a VTC;
 - c. Amend applicable sections of NRS to authorize a district court to assume original jurisdiction of a case involving an eligible defendant—upon a motion by the defendant—in addition to the current procedure whereby the district court may assume jurisdiction upon transfer by a justice or municipal court; and
 - d. Amend applicable sections of NRS to create an exception to the prohibition on a prosecuting attorney dismissing a charge of committing battery, which constituted domestic violence, or violating certain laws related to driving under the influence (NRS 484C.110 or 484C.120), in exchange for a plea of guilty, guilty but mentally ill, or nolo contendere to a lesser charge, or for any other reason unless the attorney knows or it is obvious that the charge is not supported by probable cause, or cannot be proved at the time of trial, to allow a defendant who pleads guilty to those crimes to be assigned to a program established pursuant to a VTC. **(BDR -150)**

LETTERS

6. Submit a letter to the Nevada System of Higher Education (NSHE) expressing the Committee's support for the development of a bachelor degree-level sign language interpreter training program and encouraging the development of such a program within one or more NSHE institutions with the goal of increasing the number of highly qualified sign language interpreters in Nevada.
7. Submit a letter to the Governor of the State of Nevada and the Director of DHHS recommending and expressing support for strong consideration of the following

National Alliance on Mental Illness (NAMI) Nevada recommendations related to expanding Medicaid managed care:

- a. The State should first evaluate the success of Nevada managed care over the last six years before extending the managed care experiment to additional and more vulnerable populations. We should look especially closely at the handling of disabled and vulnerable populations currently enrolled in Medicaid managed care organizations (MCOs), particularly individuals enrolled since the 2014 Medicaid expansion;
- b. The State evaluation vendor shall conduct very specialized focus groups with those in Nevada who would be affected by a shift to managed care on a population-by-population basis;
- c. The State should evaluate the adequacy of current long-term services and supports (LTSS) reimbursement rates before moving waiver clients to managed care. If rates are found to be inadequate to assure adequate access to care, rates should be raised before moving this population to Medicaid managed care. This will provide a more appropriate base cost in order to establish appropriate premiums paid to Medicaid MCOs;
- d. The State should conduct a comprehensive access study on par with that required under new rules for the Medicaid fee-for-service (FFS) program;
- e. The State should evaluate the experience of similar Medicaid managed care expansions in other states. The evaluation should include “managed fee-for-service” or hybrid delivery systems like the program in place in Connecticut. The State should also consider voluntary Medicaid managed care enrollment for vulnerable populations as an option prior to mandatory enrollment in Medicaid managed care;
- f. The State should conduct focus groups, town hall meetings, and listening sessions to hear the needs and concerns for those affected on a population-by-population basis before considering additional populations and communities in Medicaid managed care, particularly rural communities. Each has unique needs and concerns that should be addressed before moving them to managed care;
- g. The State needs to determine whether current Medicaid FFS and managed care programs are in compliance with legal mandates, including its obligations under *Olmstead vs. L.C.*, 527 U.S. 581 (1999); Centers for Medicare and Medicaid Services (CMS) person-centered planning rules; the Mental Health Parity and Addiction Equity Act of 2008; and the Patient Protection and Affordable Care Act nondiscrimination rules; and

- h. The State should assure all LTSS waiver waiting lists are eliminated before transitioning these clients to Medicaid managed care.
8. Submit a letter to the Director of DHHS conveying support for the following policy positions:
- a. Regarding the Autism Treatment Assistance Program (ATAP), ADSD, DHHS, policies and programs:
 - (1) Retain parents' ability to hire their own interventionists with the assistance of a fiscal agent;
 - (2) Allow payment to interventionists working under the supervision of a board certified behavior analyst (BCBA), without requiring a registered behavior technician (RBT) credential, until at least such time there is a sufficient RBT workforce;
 - (3) Delay the transfer of individual Medicaid-eligible children to Medicaid providers until there is a Medicaid provider ready, willing, and able to seamlessly accept and treat the child; and
 - (4) Continue to "ramp up" its efforts to serve children as a Medicaid provider, utilizing children's current interventionists as much as is practicable.
 - b. Regarding Medicaid policy and programs:
 - (1) Increase the RBT rate to \$43.88, as adopted by TRICARE, without waiting to analyze claims data;
 - (2) Encourage Nevada Medicaid to explore with CMS the adoption of the approach taken by ATAP to allow payment for services provided by interventionists under the supervision of a BCBA up to six months while obtaining the RBT credential; and
 - (3) Support through our higher education system the efforts to grow our BCBA and board certified assistant behavior analyst (BCaBA) workforce and encourage the Department of Employment, Training and Rehabilitation to include the BCaBA and RBT in its programs.
9. Submit a letter to the United States Department of Veterans Affairs (USDVA) requesting that the agency revisit the formula pertaining to the funding of new veterans homes. Currently, health, safety, structural damage concerns, and renovations are given priority over new constructions in receiving grant funding. The formula does not give priority to the unique need for new facilities in rural states where proximity limits access.

10. Submit a letter to the USDVA requesting a review of the requirements to certify volunteer drivers for transporting veterans to medical appointments. Specifically, encouraging the USDVA to consider revising some of the restrictions for volunteer drivers with manageable chronic health conditions, such as diabetes and hypertension. The restrictions greatly limit the ability to certify retired veterans who have historically been a primary source of volunteer drivers for programs in rural Nevada.
11. Submit a letter to NSHE regarding veterans-related education programs and policies:
 - a. Encouraging the adoption of consistent policies across all NSHE institutions to recognize courses and award educational credit for courses that were part of a veteran's military training or service if the courses meet the standards of the American Council on Education or equivalent standards for awarding academic credit;
 - b. Encouraging the development of policies that create an admission preference for veterans and national guard members applying for admission into competitive academic degree programs, with an emphasis on degree programs that increase the availability of professionals in workforce shortage areas in Nevada, such as degree programs that support K-12 education and health care professionals; and
 - c. Expressing the Committee's support for veterans service offices (VSOs) and veterans resource centers (VRCs) on the campuses of NSHE universities and colleges and encouraging inclusion in the budget request funding for the continuation of VSOs and VRCs that are currently funded through the Trade Adjustment Assistance Community College and Career Training Grant Program.
12. Submit a letter to NSHE expressing support for extending the time limit in which Fry Scholarship recipients who enroll at a NSHE institution are eligible to receive a nonresident tuition exemption from the current period of eligibility (within three years of a veteran being discharged or released from military service) to the duration of the time they are eligible to receive the scholarship. According to the USDVA:

The Marine Gunnery Sergeant John David Fry Scholarship (Fry Scholarship) provides Post-9/11 GI Bill benefits to the children and surviving spouses of Service members who died in the line of duty while on active duty after September 10, 2001. Pursuant to federal guidelines children are eligible as of their 18th birthday (unless they have already graduated high school). A child may be married or over 23 and still be eligible, although their eligibility ends on their 33rd birthday. A surviving spouse will lose eligibility to this benefit upon remarriage. A spouse has 15 years from the date of death of the Service member to use the benefit.

13. Submit a letter to the Governor of the State of Nevada and the Adjutant General of Nevada in the Office of the Military expressing support for the Work for Warriors (WFW) employment assistance program and encouraging State funding of the program beyond September 2018. Testimony indicated the current federal funding that supports the WFW ends in September 2018, at which time the WFW program will end if it does not receive continued funding.

COMMISSION ON SPECIAL LICENSE PLATES

Nevada Revised Statutes 482.367004

Members

Assemblyman Jim Wheeler, Chair
Senator Scott T. Hammond, Vice Chair
Senator Donald G. Gustavson
Assemblyman Richard Carrillo
Assemblywoman Jill Dickman

Nonvoting Members

Terri L. Albertson, C.P.M., Director, Department of Motor Vehicles
James M. Wright, Director, Department of Public Safety
Claudia Vecchio, Director, Department of Tourism and Cultural Affairs

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Nevada Revised Statutes

NRS 482.367004 Commission on Special License Plates: Creation; membership; term; service without salary or compensation; administrative support; duties.

1. There is hereby created the Commission on Special License Plates. The Commission is advisory to the Department and consists of five Legislators and three nonvoting members as follows:

(a) Five Legislators appointed by the Legislative Commission:

(1) One of whom is the Legislator who served as the Chair of the Assembly Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Assembly Standing Committee on Transportation during the most recent legislative session.

(2) One of whom is the Legislator who served as the Chair of the Senate Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Senate Standing Committee on Transportation during the most recent legislative session.

(b) Three nonvoting members consisting of:

(1) The Director of the Department of Motor Vehicles, or a designee of the Director.

(2) The Director of the Department of Public Safety, or a designee of the Director.

(3) The Director of the Department of Tourism and Cultural Affairs, or a designee of the Director.

2. Each member of the Commission appointed pursuant to paragraph (a) of subsection 1 serves a term of 2 years, commencing on July 1 of each odd-numbered year. A vacancy on the Commission must be filled in the same manner as the original appointment.

3. Members of the Commission serve without salary or compensation for their travel or per diem expenses.

4. The Director of the Legislative Counsel Bureau shall provide administrative support to the Commission.

5. The Commission shall recommend to the Department that the Department approve or disapprove:

(a) Applications for the design, preparation and issuance of special license plates that are submitted to the Department pursuant to subsection 1 of NRS 482.367002;

(b) The issuance by the Department of special license plates that have been designed and prepared pursuant to NRS 482.367002; and

(c) Except as otherwise provided in subsection 7, applications for the design, preparation and issuance of special license plates that have been authorized by an act of the Legislature after January 1, 2007.

In determining whether to recommend to the Department the approval of such an application or issuance, the Commission shall consider, without limitation, whether it would be appropriate and feasible for the Department to, as applicable, design, prepare or issue

the particular special license plate. For the purpose of making recommendations to the Department, the Commission shall consider each application in the chronological order in which the application was received by the Department.

6. On or before September 1 of each fiscal year, the Commission shall compile a list of each special license plate for which the Commission, during the immediately preceding fiscal year, recommended to the Department that the Department approve the application for the special license plate or approve the issuance of the special license plate. The list so compiled must set forth, for each such plate, the cause or charitable organization for which the special license plate generates or would generate financial support, and the intended use to which the financial support is being put or would be put. The Commission shall transmit the information described in this subsection to the Department and the Department shall make that information available on its Internet website.

7. The provisions of paragraph (c) of subsection 5 do not apply with regard to special license plates that are issued pursuant to NRS 482.3751, 482.3752, 482.3757, 482.3783, 482.3785, 482.3787 or 482.37901.

8. The Commission shall:

(a) Recommend to the Department that the Department approve or disapprove any proposed change in the distribution of money received in the form of additional fees. As used in this paragraph, "additional fees" means the fees that are charged in connection with the issuance or renewal of a special license plate for the benefit of a particular cause, fund or charitable organization. The term does not include registration and license fees or governmental services taxes.

(b) If it recommends a proposed change pursuant to paragraph (a) and determines that legislation is required to carry out the change, recommend to the Department that the Department request the assistance of the Legislative Counsel in the preparation of a bill draft to carry out the change.

(Added to NRS by 2003, 3065; A 2005, 2847; 2007, 575, 804, 819, 1038; 2009, 493; 2011, 1792, 2985; 2013, 556, 1476, 2550; 2015, 256, 660)

ABSTRACT

COMMISSION ON SPECIAL LICENSE PLATES

Nevada Revised Statutes (NRS) 482.367004

The Commission on Special License Plates is a permanent Commission authorized by NRS 482.367004 to approve or disapprove applications for special license plates, as defined in NRS 482.367008. The Commission was created in 2003 by the Nevada Legislature and is another option for the authorization of special plates in addition to direct legislative authorization.

Under the provisions of NRS 482.367008, a mechanism was established to cease issuance of low-demand plates. If the Department of Motor Vehicles (DMV) determines the total number of validly registered motor vehicles with a particular special license plate is fewer than the number of required plates, then the Director is required to notify existing plate holders that the DMV will no longer issue that particular design of a special license plate. However, this does not prohibit current holders from renewing their plates. Completed applications for new special license plates received by the DMV are forwarded to the Commission for consideration.

As of July 31, 2016, there were 223,046 active special license plates, and the plates generated \$49,394,035 in revenue. The most widely issued plate is the Las Vegas Commemorative plate with 90,386 active plates, which has generated over \$21 million in revenue. Revenue from the special license plates that is returned to the organizations is generated through an initial issuance fee of \$15 to \$25 and a renewal fee of \$10 to \$20, depending on the design. These fees are in addition to all other applicable registration and license fees and governmental services taxes.

The Commission held one meeting during the 2015–2016 Interim. At the October 28, 2015, meeting, members of the Commission received a report from the Legislative Auditor concerning the charitable organizations that receive revenue from the issuance of special license plates. The Legislative Auditor reported four charitable organizations receiving revenue from the sale of special license plates were not in compliance with the requirements to submit certain financial and other information to the Commission. The Commission directed the organizations to provide the required information to the Legislative Auditor.

The Commission considered a complaint received alleging the continued mismanagement of license plate funds by Horse Power, a charitable organization with a special license plate. Pursuant to Assembly Bill 189 (Chapter 211, *Statutes of Nevada 2015*), the Commission made a request to the Legislative Commission to direct the Legislative Auditor to perform an audit of the expenditures of the organization for Calendar Years 2014 and 2015 and whether the

organization has in place adequate methods and procedures to ensure that grants and other expenditures benefit the intended recipient.¹

Members also received information that there are currently 13 pending applications and 4 available openings for special license plates in the First Tier and 3 pending applications and 5 available openings for special license plates in the Second Tier.² Members considered the first five pending applications in the First Tier queue, which are: (1) Nevada Bighorns Unlimited; (2) Indian Health Board of Nevada; (3) the Great Reno Balloon Race; (4) Sparks Heritage Foundation and Museum Incorporated; and (5) the Desert Conservation Program. Members also considered three pending applications in the Second Tier queue, which are: (1) Keep Memory Alive/Cleveland Clinic Lou Ruvo Center for Brain Health; (2) Women's Resource Medical Centers of Southern Nevada; and (3) Hidden Valley Wild Horse Protection Fund.

At the meeting, the Commission conducted a work session, at which time it recommended the DMV begin the preparation process of certain aforementioned special license plate applications and the drafting of a bill addressing the process of redesigning existing special license plates.

¹ At the June 28, 2016, meeting of the Legislative Commission, the Legislative Auditor was directed to conduct an audit of the organization in accordance of the provisions of A.B. 189.

² As of September 2016, there were ten pending applications in the First Tier and one pending application in the Second Tier.

SUMMARY OF RECOMMENDATIONS

COMMISSION ON SPECIAL LICENSE PLATES

Nevada Revised Statutes (NRS) 482.367004

Following is a summary of the applications recommended by the Commission on Special License Plates to the Department of Motor Vehicles (DMV) for approval of the design, preparation, and issuance of special license plates at its October 28, 2015, meeting.

SUMMARY OF SPECIAL LICENSE PLATE APPLICATIONS APPROVED BY THE COMMISSION

First Tier

Nevada Bighorns Unlimited

1. Nevada Bighorns Unlimited (NBU) is dedicated to the preservation and expansion of wildlife populations and their habitat in the State of Nevada. Funds generated from the sale of a special license plate would be used to further this mission. During its 30-year history, the NBU has provided funding for wildlife research, disease outbreak investigation, postwildfire reseeding efforts, water improvement projects, public education, and trap and transplant operations to restore and augment wildlife populations ranges throughout the State.

Indian Health Board of Nevada

2. The Indian Health Board of Nevada did not maintain a surety bond in the amount of \$5,000, which is required by each organization with a pending application. Therefore, the Commission did not take action on this application.

The Great Reno Balloon Race

3. The Great Reno Balloon Race is the largest, free hot air balloon event in the world. Established in 1982, the Race began with 20 balloons. Since then, the Race has taken flight with up to 100 balloons each year and has received national recognition by travel and tourism organizations. The organization also partners with the Washoe County School District's Science, Technology, Engineering, and Math Education Program to provide free tissue paper hot air balloons and The Children's Cabinet to provide hot air balloon rides. The organizers of the event plan on using the proceeds from the sale of the special license plate to fund the Race and continue its local partnerships. The proposed plate design will include an image of a hot air balloon.

Sparks Heritage Foundation and Museum

4. The Sparks Heritage Foundation and Museum, Incorporated, was established on April 1, 1985, as an independent nonprofit organization. Its mission is to preserve the historical and cultural heritage of Sparks and the Truckee Meadows for the education and enjoyment of present and future generations. The Museum is comprised of three buildings: (1) a storefront on Victorian Avenue in Sparks, Nevada; (2) the former Sparks Justice of the Peace Building; and (3) the nationally registered historic Glendale Schoolhouse. The Museum also has an outdoor train exhibit. The Foundation is currently in the midst of a revitalization project designed to generate a broader base of visitors and increased usage of the museum facility both at the local and tourism level. Proceeds from the sale of a special license plate will be used to pay the salary of the Foundation's part-time Executive Director. The proposed plate design would include the "Heritage of Sparks" Arch.

Desert Conservation Program

5. The Clark County Desert Conservation Program manages the compliance of the federal Endangered Species Act on behalf of Clark County, the cities of Boulder City, Henderson, Las Vegas, Mesquite, and North Las Vegas, and Nevada's Department of Transportation through implementation of the Clark County Multiple Species Habitat Conservation Plan (MSHCP) and the associated incidental take permit. An incidental take permit exempts a permittee from the take prohibition of Section 9 of the Act. The permit authorizes the take of protected species that may be incidental to, but not the purpose of, otherwise lawful activities. A habitat conservation plan is a planning document that is a mandatory component of an incidental take permit application. Seventy-eight species are covered by the MSHCP, which is effective until February 2031, for a maximum of 145,000 acres disturbed. Of these, two are listed under the federal Endangered Species Act: (1) the threatened desert tortoise; and (2) the endangered Southwestern Willow Flycatcher. The plan directs measures that proactively conserve species through an ecosystems approach. The proceeds from the sale of a special license plate would be used exclusively for desert tortoise conservation projects, such as conservation easements, public education, riparian property management, tortoise fencing, The Wild Desert Tortoise Assistance Line, and general administration.

Second Tier

Keep Memory Alive/Cleveland Clinic Lou Ruvo Center for Brain Health

1. In July 2009, the Cleveland Clinic Lou Ruvo Center for Brain Health began providing treatment for patients with cognitive disorders. The Center is known for the many supportive services it provides for the family members of those who suffer from these disorders. The proceeds from the sale of a special license plate would be used for patient family care, therapy services, and other necessary programs. The proposed plate design would include an image of the Las Vegas Center and the words, "Keep Memory Alive."

Women's Resource Medical Centers of Southern Nevada

2. The Women's Resource Medical Centers of Southern Nevada (WRMCSN) is a nonprofit organization that provides prenatal care education, pregnancy testing, certified counseling, and material resources. The revenue received from the sale and renewal of a special license plate would be used to support and enhance the programs offered by the WRMCSN.

Hidden Valley Wild Horse Protection Fund

3. The Hidden Valley Wild Horse Protection Fund was established in 2008 as an all-volunteer, nonprofit corporation. The organization protects and preserves the wild horses that settle during the winter months in the foothills surrounding Hidden Valley. Volunteers monitor herd health and grazing availability, provide attention to sick and injured horses and foals, aid in the State-run adoption processes, and install and mend fencing and cattle guards. The proceeds from the sale of a special license plate would help feed, house, and provide veterinary services and transportation for the horses, as well as proving public welfare and education.

Following is a summary of the recommendation adopted by the Commission on Special License Plates at its meeting on October 28, 2015, for transmittal to the 79th Session of the Nevada Legislature.

RECOMMENDATION TO DRAFT LEGISLATIVE MEASURE

1. Draft a bill to amend NRS 482.367002 to require an organization, which is requesting a redesign of its specialty license plate, to submit a request to the Commission on Special License Plates. The Commission will consider each request and make a recommendation to the DMV on each redesign. The organization must have a specialty license plate currently being produced and circulated by the DMV. In addition, the DMV may charge a replacement fee to a customer requesting a redesigned plate. **(BDR XX-XXX)**

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY WATER

Nevada Revised Statutes 218E.200

Members

Senator Pete Goicoechea, Chair
Assemblyman James Oscarson, Vice Chair
Senator Aaron D. Ford
Senator Joseph (Joe) P. Hardy, M.D.
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Nevada Revised Statutes

NRS 218E.200 Power to conduct studies and investigations; establishment of subcommittees and interim or special committees; designation of members; compensation, allowances and expenses of members.

1. The Legislative Commission may conduct studies or investigations concerning governmental problems, important issues of public policy or questions of statewide interest.

2. The Legislative Commission may establish subcommittees and interim or special committees as official agencies of the Legislative Counsel Bureau to conduct such studies or investigations or otherwise to deal with such governmental problems, important issues of public policy or questions of statewide interest. The subcommittees and interim or special committees may exercise any of the investigative powers set forth in [NRS 218E.105](#) to [218E.140](#), inclusive.

3. The membership of the subcommittees and interim or special committees:

(a) Must be designated by the Legislative Commission; and

(b) May consist of members of the Legislative Commission and Legislators other than members of the Legislative Commission, employees of the State of Nevada or citizens of the State of Nevada.

4. For each day or portion of a day during which members of the subcommittees and interim or special committees who are not Legislators attend meetings or are otherwise engaged in the business of the subcommittees and interim or special committees, the members:

(a) Shall serve without salary.

(b) Are entitled to receive out of the Legislative Fund the per diem allowances and travel expenses provided for state officers and employees generally.

5. Except during a regular or special session, for each day or portion of a day during which members of the subcommittees and interim or special committees who are Legislators attend meetings of the subcommittees and interim or special committees or are otherwise engaged in the business of the subcommittees and interim or special committees, the members are entitled to receive out of the Legislative Fund:

(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;

(b) The per diem allowance provided for state officers and employees generally; and

(c) The travel expenses provided pursuant to [NRS 218A.655](#).

[10:134:1953] — (NRS A 1957, 386; 1961, 253; 1963, 1014; [1965, 1455](#); [1971, 2206](#); [1973, 119, 1118](#); [1975, 296](#); [1979, 612](#); [1985, 399](#); [1989, 1218, 1493](#); [1993, 2250](#); [2011, 3216](#); [2013, 3745](#)) — (Substituted in revision for part of NRS 218.682

ABSTRACT

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY WATER

Nevada Revised Statutes (NRS) 218E.200

The Legislative Commission's Subcommittee to Study Water was established by the Legislative Commission and charged with the task of studying water resource issues in Nevada during the 2015–2016 Interim. The Legislative Commission appointed three members of the Senate and two members of the Assembly to serve on the Subcommittee.

The Subcommittee held six meetings during the 2015–2016 Interim. Three meetings were held in rural areas of the State (Dyer, Pahrump, and Winnemucca). Three meetings were held in urban areas of the State (Carson City and Las Vegas [2]).

During the Interim, the Subcommittee received presentations regarding regional and statewide water resource issues from numerous individuals, agencies, and organizations, including:

- Nevada's State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources;
- Nevada Water Science Center, United States Geological Survey, U.S. Department of the Interior;
- Humboldt River Basin Water Authority;
- Nevada Mining Association;
- Pershing County Water Conservation District;
- Southern Nevada Water Authority and Las Vegas Valley Water District;
- Colorado River Commission of Nevada;
- Virgin Valley Water District;
- Central Nevada Regional Water Authority;
- Truckee Meadows Water Authority;
- Great Basin Water Network;
- Walker Basin Restoration Program, National Fish and Wildlife Foundation;

- Eureka County Department of Natural Resources;
- Carson Water Subconservancy District;
- Valley Electric Association;
- Private Well Owners Cooperative of Nye County;
- Utilities, Inc. of Central Nevada;
- Pahrump Utility Company, Inc.;
- Nye County Water District; and
- Inyo County Water Department.

At its work session in Carson City on August 26, 2016, the Subcommittee approved five recommendations to draft legislation and three recommendations to include position statements in the final report of the Subcommittee. The topics of recommendations approved by the Subcommittee include:

- Cloud seeding;
- Domestic wells and domestic well use; and
- Tools for groundwater basin management.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY WATER

Nevada Revised Statutes (NRS) 218E.200

This summary presents the recommendations approved by the Legislative Commission's Subcommittee to Study Water during the 2015–2016 Legislative Interim at the Subcommittee's final meeting held on August 26, 2016, in Carson City, Nevada. The bill draft requests (BDRs) will be forwarded to the Legislative Commission for transmittal to the 79th Session of the Nevada Legislature in 2017.

RECOMMENDATIONS FOR LEGISLATION

1. Request the drafting of a bill to expand the allowable uses of the existing grant program for water projects (NRS 349.980, et seq.), otherwise known as the "AB 198 Grant Program," (Assembly Bill 198 [Chapter 559, *Statutes of Nevada 1991*]) to include a cloud seeding program as an allowable use of grant funds and to allow the Board for Financing Water Projects, Division of Environmental Protection, State Department of Conservation and Natural Resources (SDCNR) to receive gifts, grants, and donations. **(BDR –356)**
2. Request the drafting of a bill to provide that at times of curtailment by priority by the Office of the State Engineer, Division of Water Resources, SDCNR, only withdrawals from domestic wells for outdoor water use are curtailed, with an excepted allowance for outdoor watering of pets and livestock. **(BDR –357)**
3. Request the drafting of a bill to provide that in severely over-appropriated basins and designated critical management areas, the Office of the State Engineer limit withdrawals from new domestic wells to 0.5 acre-feet annually. The limitation is only applicable to new wells and is not applicable to currently existing domestic wells or to existing domestic wells that require rehabilitation, refurbishment, or replacement. **(BDR –358)**
4. Request the drafting of a bill to require the claimant of a pre-statutory water right to submit proof of the claim to the Office of the State Engineer on or before December 31, 2025, regardless of whether an adjudication has been ordered for a water source. If the claimant fails to submit such proof, the claim is deemed to be abandoned. **(BDR –359)**
5. Request the drafting of a bill that clarifies management tools that may be approved by the Office of the State Engineer in a Groundwater Management Plan (GMP) submitted for a basin designated as a critical management area. The bill also clarifies that an approved GMP applies to all water users in a basin. **(BDR –367)**

**RECOMMENDATIONS FOR POSITION STATEMENTS
IN FINAL SUBCOMMITTEE REPORT**

6. Include a position statement in the final report to acknowledge surface water and groundwater connectivity and the need for the Office of the State Engineer to utilize conjunctive management of surface water and groundwater resources where connected.
7. Include a position statement in the final report recommending a statewide Nevada water future discussion and encouraging the Executive Branch of State government, the Nevada Legislature, local governments, the business community, the environmental community, and the public to come together to discuss Nevada's water future and develop a Nevada water future strategy. Encourage utilization of the work of the Subcommittee, the Governor's Drought Summit, and the Nevada Drought Forum as a foundation for a meaningful statewide water future discussion and strategy.
8. Include a position statement in the final report calling for local government land-use plans to be based on identified sustainable water resources.

RECOMMENDATIONS OF THE SUNSET SUBCOMMITTEE
OF THE LEGISLATIVE COMMISSION

VI.B.

**Sunset Subcommittee of the Legislative Commission 2015–2016
Summary of Recommended Revisions to Nevada Revised Statutes**

	Board, Commission or Similar Entity	Recommended Revisions to Nevada Revised Statutes (NRS)	Background Relating to Recommended Revisions
1	Commission for Common-Interest Communities and Condominium Hotels (NRS 116.600)	Continue, and: 1) Revise membership to provide that the members who represent unit owners must be owner-occupants.	Explanation: 1) Increase representation of owner-occupants on the Commission because some unit owners could be absentee owners.
2	Advisory Committee on Participatory Democracy (ACPD) (NRS 225.240)	Continue, and: 1) Revise membership from 9 appointees to “up to 9” appointees; and reduce term of office from 3 years to 2 years. 2) Revise meeting schedule from once per calendar quarter to “at least 1 meeting but not more than 4 meetings” and provide that a majority of members currently appointed constitutes a quorum.	Explanation: 1) Create more flexibility in appointments because it is difficult to get people to serve on the ACPD. 2) Ease requirements for serving on the ACPD, especially since there is no money to reimburse members for expenses incurred.
3	Personnel Commission (NRS 284.030)	Continue, and: 1) Provide that an alternate member shall be appointed for each member; and 2) Require a majority vote of the entire Commission to take action on matters before the Commission.	Explanation: 1) NRS requires a majority of full membership to adopt or revise a regulation. This is not a requirement when deciding an appeal. Some appeals have been denied by as few as 3 members. 2) Same as above.
4	Merit Award Board (NRS 285.030)	Continue, and revise NRS as proposed by the Board: 1) NRS 285.010: clarify “adoption”; 2) NRS 285.030: remove reference to Board expenditures; 3) NRS 285.050: delete “currently”; 4) NRS 285.060: revise time frame for reporting from agency; and 5) NRS 285.070: revise time frame for payments.	Explanation: 1) Clarification; 2) Board has Budget Account 1345 since FY 2011; 3) Clarification; 4) Remove the “30 days” specification and either change the number of days or some other generalization; and 5) Time could pass before any savings are realized.
5	Local Government Employee-Management Relations Board (NRS 288.080)	Continue, and 1) Revise membership by adding 2 members; and 2) Provide that at least 3 of the members reside in southern Nevada.	Explanation: 1) Increasing the number of members would reduce the wait time to hear cases; and 2) Most issues originate in southern Nevada.

	Board, Commission or Similar Entity	Recommended Revisions to Nevada Revised Statutes (NRS)	Background Relating to Recommended Revisions
6	Executive Branch Audit Committee (EBAC) (NRS 353A.038)	Continue, and 1) Revise NRS to provide that the Chair can direct the performance of an audit without first obtaining approval of the entire EBAC; and 2) Provide the final report will be submitted to the full EBAC.	Explanation: 1) Provide flexibility and allow for unforeseen circumstances; and 2) Accountability.
7	State Board of Education (NRS 385.021)	Continue, and revise the membership to provide that the appointed teacher member must be a career and technical education (CTE) teacher	Explanation: Increase the attention paid to CTE.
8	Advisory Council on Parental Involvement and Family Engagement (NRS 385.610)	Continue, and 1) Revise the name by deleting “Parental Involvement” and; 2) Delete the annual report to the Legislative Committee on Education and revise the biennial report to the Legislature by requiring it annually.	Explanation: 1) Advisory Council requested name change because “family engagement” includes all family members, including parents; and 2) Repeal unnecessary report.
9	Board of Dental Examiners of Nevada (NRS 631.120)	Continue, and 1) Amend Chapter 631 of NRS to require that any preliminary investigation or informal hearing conducted by a discipline screening officer or other agent of the Board must be reviewed and approved by an independent review process before any proposed action may become the basis of a settlement agreement.	Explanation: 1) Recommendation from the Legislative Auditor.
10	State Board of Oriental Medicine (NRS 634A.030)	Continue, and revise NRS to: 1) Increase the number of members from 5 to 7 and require that 1 of the members represent any school or college whose curriculum is approved by the Board; 2) Provide that the members serve at the pleasure of the Governor; 3) Provide that the provisions of Chapter 634A of NRS do not apply to physicians licensed under Chapters 630 or 633; and 4) Require the Board to report to the Sunset Subcommittee every 6 months until the 2019 Legislature on specified topics.	Explanation: 1) Addresses the concern that the Board is insulated and operates out of self-interest; 2) Addresses the concern that there does not appear to be a means to remove a member; 3) Addresses the concern that health care providers licensed under other NRS chapters and trained and certified by other boards must also qualify for licensing from this Board; and 4) Provides a means for the Sunset Subcommittee to continue monitoring the Board.
11	Nevada Transportation Authority (NRS 706.1511)	Consolidate with the Taxicab Authority in a new department.	
12	Taxicab Authority (NRS 706.8818)	Consolidate with the Nevada Transportation Authority in a new department.	

	Board, Commission or Similar Entity	Recommended Revisions to Nevada Revised Statutes (NRS)	Background Relating to Recommended Revisions
13	State Board for Career and Technical Education (NRS 388.330)	Repeal, and transfer its responsibilities to the State Board of Education (SBE).	Explanation: The Board members are identical to the members of the SBE; the Board does not meet independent of the SBE; federal programs do not require a separate board—just 1 board designated or created to accept federal funds and oversee federal compliance.
14	Commission on Educational Technology (NRS 388.790)	Repeal, and transfer its responsibilities to the Department of Education.	Explanation: The Commission has 3 statutory duties: establish a plan for educational technology; develop technical standards for school districts; and conduct a needs assessment. The Commission itself recommended repealing the development of technical standards and the needs assessment report because the Commission does not do these things (according to its review form). Senate Bill 515 (2015) funded the NV Ready 21 grant program and assigned it to the Commission. This could be distributed by the Department.
15	Sunset Subcommittee of the Legislative Commission (NRS 232B.210)	Revise the provisions of NRS to provide for a later adjournment—August 31. (Also, request that leadership appoint members sooner.)	Explanation: Need more time to consider entities.

Legislative Counsel Bureau

Sunset Subcommittee of the Legislative Commission



Bulletin No. 17-14

The Sunset Subcommittee is a permanent subcommittee of the Legislative Commission whose authorization and duties are set forth in *Nevada Revised Statutes* 232B.210 through 232B.250.

January 2017

SUNSET SUBCOMMITTEE OF THE LEGISLATIVE COMMISSION

BULLETIN NO. 17-14

JANUARY 2017

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SUMMARY OF RECOMMENDATIONS

SUNSET SUBCOMMITTEE OF THE LEGISLATIVE COMMISSION

Nevada Revised Statutes (NRS) 232B.210

This summary presents the recommendations approved by the Sunset Subcommittee of the Legislative Commission at its work sessions held on February 9, February 23, March 15, April 21, and June 16, 2016. The recommendations will be submitted to the Legislative Commission for its consideration and possible inclusion in bill draft requests to be forwarded to the 2017 Legislature.

Entities Continued

1. Employee-Management Committee (NRS 284.068)
2. Committee on Catastrophic Leave (NRS 284.3627)
3. State Council for the Coordination of the Interstate Compact on Educational Opportunity for Military Children (NRS 388F.020)
4. Nevada Commission on Services for Persons with Disabilities (NRS 427A.1211)
5. Board of Trustees of the Fund for Hospital Care to Indigent Persons (NRS 428.195)
6. State 4-H Camp Advisory Council (NRS 550.035)
7. Nevada Junior Livestock Show Board (NRS 563.010)
8. Board for the Administration of the Subsequent Injury Account for Self-Insured Employers (NRS 616B.548)
9. Board for the Administration of the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers (NRS 616B.569)
10. Appeals Panel for Industrial Insurance (NRS 616B.760)
11. Occupational Safety and Health Review Board (NRS 618.565)
12. Committee on Dental Hygiene (NRS 631.205)
13. Nevada State Board of Optometry (NRS 636.030)
14. Board of Dispensing Opticians (NRS 637.030)
15. New Energy Industry Task Force (NRS 701.500)
16. Public Utilities Commission of Nevada (NRS 703.020)

Entities Continued With Recommendations for Statutory Revisions

1. Commission for Common-Interest Communities and Condominium Hotels (NRS 116.600)
2. Advisory Committee on Participatory Democracy (NRS 225.240)
3. Personnel Commission (NRS 284.030)
4. Merit Award Board (NRS 285.030)
5. Local Government Employee-Management Relations Board (NRS 288.080)
6. Executive Branch Audit Committee (NRS 353A.038)
7. State Board of Education (NRS 385.021)
8. Advisory Council on Parental Involvement and Family Engagement (NRS 385.610)
9. Board of Dental Examiners of Nevada (NRS 631.120)
10. State Board of Oriental Medicine (NRS 634A.030)

Entities Consolidated

1. Nevada Transportation Authority (NRS 232.510 and 706.1511)
2. Taxicab Authority (NRS 232.510 and 706.8818)

Entities Terminated

1. Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court Justices, Judges of the Court of Appeals, District Judges and Elected County Officers (NRS 281.1571)
2. Advisory Committee on Housing (NRS 319.173)
3. Interagency Panel (NRS 395.070)
4. Subcommittee on Personal Assistance for Persons with Severe Functional Disabilities of the Nevada Commission on Services for Persons with Disabilities (NRS 426.731)

Entities Terminated With Functions Transferred

1. State Board for Career and Technical Education (NRS 388.330)
2. Commission on Educational Technology (NRS 388.790)

Further Revisions

1. Sunset Subcommittee of the Legislative Commission (NRS 232B.210)

**REPORT TO THE LEGISLATIVE COMMISSION
BY THE SUNSET SUBCOMMITTEE OF THE
LEGISLATIVE COMMISSION**

I. INTRODUCTION

The Sunset Subcommittee is a permanent subcommittee of the Legislative Commission whose authorization and duties are set forth in Chapter 232B (“Legislative Review of Public Agencies”) of the *Nevada Revised Statutes* (NRS). Created in 2011 with the enactment of Senate Bill 251 (Chapter 480, *Statutes of Nevada*), the Subcommittee is responsible for conducting reviews of all boards, commissions, and similar entities in Nevada that are not provided in the *Nevada Constitution* or established by an Executive Order of the Governor. Charged with determining whether those entities should be continued, terminated, modified, or consolidated with another board or commission, the Subcommittee must make its recommendations on or before June 30 of each even-numbered year.

The creation of the Subcommittee, its membership, powers, and duties, are codified in NRS 232B.210 through 232B.250. (See **Appendix A** for a copy of these statutes.)

During the 2015–2016 Interim, members of the Subcommittee included the legislators listed below. The nonlegislative members listed were nominated by the Governor and appointed by the Chair of the Legislative Commission.

Senator James A. Settelmeyer, Chair
Assemblyman Glenn E. Trowbridge, Vice Chair
Senator Donald G. Gustavson
Senator David R. Parks
Assemblywoman Irene Bustamante Adams
Assemblyman Chris Edwards
Assemblyman Erven T. Nelson (resigned)
Carmen Amen
William “Buzz” Harris
Teresa “Terry” Rankin

Legislative Counsel Bureau (LCB) staff services for the Subcommittee were provided by Carol M. Stonefield, Chief Principal Research Analyst, and Janet Coons, Principal Administrative Assistant, of the Research Division, and James W. Penrose, Senior Principal Deputy Legislative Counsel, and Michael K. Morton, Deputy Legislative Counsel, of the Legal Division.

II. SUMMARY OF THE ACTIVITIES OF THE 2015–2016 SUNSET SUBCOMMITTEE

The Subcommittee held seven meetings in Carson City and Las Vegas, Nevada, including five work sessions, during the 2015–2016 Interim. (See **Appendix B** for a copy of the meeting schedule.) All of the hearings were conducted through simultaneous videoconferencing between legislative meeting rooms in the Grant Sawyer State Office Building in Las Vegas and the Legislative Building in Carson City. Pursuant to the Subcommittee’s charge in NRS 232B.220, the members selected and reviewed 34 boards, commissions, and similar entities. The members heard briefings on each of the entities. The following are summaries of the Subcommittee’s activities at each meeting, with the Subcommittee’s final recommendations in italics.

A. NOVEMBER 4, 2015

The Subcommittee’s first meeting was held on November 4, 2015. Members of the Subcommittee were provided lists of boards, commissions, and similar entities, compiled using the *Directory of State and Local Government*, as included in the *Nevada Legislative Manual*. At this meeting, the members selected 12 entities for review; in addition, 4 boards and commissions, identified as inactive, were selected for review.

Pursuant to NRS 232B.230, each board and commission must submit to the Subcommittee certain information about its purpose and operations. The members approved the use of the form titled “Information Concerning Board or Commission Subject to Review by the Sunset Subcommittee of the Legislative Commission,” previously adopted by the Subcommittee during the 2013–2014 Interim. The form requires a board or commission to include information regarding income, expenses, and reserves; minutes of meetings; citations of the *Nevada Administrative Code* sections adopted by the board or commission; copies of any legislative audits; and any civil or criminal actions taken by or against the board or commission.

At this meeting, in an effort to monitor entities previously recommended for revisions by the Subcommittee, status reports from two boards were presented.

- The **Nevada Funeral and Cemetery Services Board** (NRS 642.020) was reviewed by the Subcommittee during the 2011–2012 Interim. Subsequently, in 2013, the Legislature enacted Assembly Bill 494 (Chapter 348, *Statutes of Nevada*), which created the present Board. The Board was required to report to the Subcommittee throughout the 2013–2014 Interim, pursuant to legislation.
- The **Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board** (NRS 637B.100) was created subsequent to a review and recommendations by the Subcommittee during the 2013–2014 Interim. The Legislature enacted A.B. 115 (Chapter 404, *Statutes of Nevada 2015*) to consolidate the Board of Hearing Aid Specialists and the Board of Examiners for Audiology and Speech Pathology.

For materials relating to this meeting, including the reports of the **Nevada Funeral and Cemetery Services Board** and the **Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board**, see the [minutes](https://www.leg.state.nv.us/App/InterimCommittee/REL/Document/3484) of the meeting at <https://www.leg.state.nv.us/App/InterimCommittee/REL/Document/3484>, Exhibits F, G, and G-1. (See Appendix C for a table titled “Nevada State Government Boards, Commissions, and Similar Entities, October 2015.”)

B. DECEMBER 15, 2015

The Subcommittee’s second meeting was held on December 15, 2015. The members selected an additional 17 entities for review. One of these was later removed at the Subcommittee’s meeting on February 9, 2016, upon the motion of the member who selected it.

The members heard from the entities listed below. For materials relating to the review of these boards and commissions, see the [minutes](https://www.leg.state.nv.us/App/InterimCommittee/REL/Document/3486) of the meeting at <https://www.leg.state.nv.us/App/InterimCommittee/REL/Document/3486>.

- The **Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court Justices, Judges of the Court of Appeals, District Judges and Elected Officers** (NRS 281.1571) was created in 1993. Its purpose is to review compensation paid to certain elected officials and to recommend changes in compensation as approved by the members. Existing records indicate the Commission last met in the mid-1990s. Because the Commission has no members, it is considered inactive.

The Subcommittee received a presentation on Assembly Joint Resolution No. 10 (File No. 40, *Statutes of Nevada 2015*), which proposes to amend the *Nevada Constitution* to require the Legislature to create the Citizens’ Commission on Salaries for Certain Elected Officials. The resolution will be returned to the Legislature in 2017 for consideration. If it is adopted by the Legislature, the resolution will then be placed on the ballot for the General Election in 2018. (See the [minutes](#), Exhibits I, J, K, and L.)

At the February 9, 2016, work session, the Subcommittee recommended repealing provisions of NRS relating to the Commission.

- The **Board of Dental Examiners of Nevada** (NRS 631.120) examines and licenses dentists and dental hygienists. The first Board of Examiners was created by the Legislature in 1895. Currently, the Board consists of 11 members appointed by the Governor. Discussion occurred between the Subcommittee members and the Board’s counsel regarding complaints about investigations that were submitted to legislators. Investigation procedures were summarized. (See the [minutes](#), Exhibits R and S.)

At its meeting on February 9, 2016, the Subcommittee voted to recommend to the Legislative Commission that the Legislative Auditor conduct an audit and analysis of the Board's legal and investigative expenditures and related cost recoveries during Calendar Year (CY) 2014 and CY2015.

For documents relating to public comments concerning the Board of Dental Examiners of Nevada, see the "[Meetings](https://www.leg.state.nv.us/App/InterimCommittee/REL/Interim2015/Committee/264)" tab for the Sunset Subcommittee (<https://www.leg.state.nv.us/App/InterimCommittee/REL/Interim2015/Committee/264>) for meetings held on November 4 and December 15, 2015; February 9, February 23, April 21, and June 16, 2016.

At the June 16, 2016, work session, the Subcommittee received the results of the legislative audit. The Subcommittee recommended continuation of the Board. It further recommended amending NRS, as recommended by the Legislative Auditor, to require that any preliminary investigation or informal hearing conducted by a disciplinary screening officer or other agent of the Board must be reviewed and approved by an independent review process before any proposed action may become the basis of a settlement agreement. The Subcommittee also voted to direct the Board to provide an explanation for the Board's practice of contracting with outside legal counsel rather than employing General Counsel as staff.

For a copy of the [Performance Audit: Nevada State Board of Dental Examiners 2016 \(LA 16-14\)](#), see the [minutes](https://www.leg.state.nv.us/App/InterimCommittee/REL/Document/8874) of the June 16, 2016, meeting at <https://www.leg.state.nv.us/App/InterimCommittee/REL/Document/8874>, **Agenda Items IV A-1 and A-2**. (See **Appendix D** for a letter to the Board regarding the directive to respond to the justification for contracting with outside legal counsel.)

- The **Committee on Dental Hygiene** (NRS 631.205) was created in 2003 to include dental hygienists in the regulation of their profession. The Committee's duties include providing research and recommendations for the practice of dental hygiene. The Committee consists of the three members of the Board of Dental Examiners of Nevada who are dental hygienists and one dentist who is a member of the Board and has previously supervised a dental hygienist. (See the [minutes](#), **Exhibit T**.)

At the June 16, 2016, work session, the Subcommittee recommended continuation of the Committee without any revisions.

- The **State Board of Oriental Medicine** (NRS 634A.030) was added to NRS in 1973 for the purpose of licensing practitioners of Oriental medicine. The Board may also prescribe the course of study required for the degree and approve the establishment and curriculum of a school or college of Oriental medicine in Nevada. The Board was reviewed by the Subcommittee during the 2011–2012 Interim, when it was recommended for continuation without any modifications.

Representatives of the Board recommended including Doctor of Oriental Medicine in the statutory definition of “physician” and the practice of dry needling in the statutory definition of “acupuncture.” Representatives of Wongu University of Oriental Medicine recommended that the Subcommittee consider reorganizing the Board or transferring its duties to another body. (See the [minutes](#), Exhibits D, E, F, G, M, and N.)

For documents relating to public comment concerning the Board, see the “[Meetings](#)” tab for the Sunset Subcommittee (<https://www.leg.state.nv.us/App/InterimCommittee/REL/Interim2015/Committee/264>) for meetings held on December 15, 2015, and June 16, 2016.

At the June 16, 2016, work session, the Subcommittee recommended continuation of the Board. It further recommended amending NRS as follows:

- *Increase the membership of the Board from five to seven members and require that one member must represent a school or college of Oriental medicine in Nevada;*
- *Authorize the Governor to remove a member of the Board at will; and*
- *Exempt physicians licensed pursuant to Chapter 630 (“Physicians, Physician Assistants, Medical Assistants, Perfusionists and Practitioners of Respiratory Care”) or Chapter 633 (“Osteopathic Medicine”) of NRS and who are trained in the use of acupuncture from compliance with Chapter 634A (“Doctors of Oriental Medicine”) of NRS.*

The Subcommittee also recommended requiring the Board to submit regular reports to the Subcommittee during the 2017–2018 Interim that include minutes of Board meetings, information about the examination and licensing of applicants, approval of curricula of any school or college of Oriental medicine, information relating to oversight of licensees, and any other information required by the Subcommittee.

- The **Nevada State Board of Optometry** (NRS 636.030) was established in 1955, although an earlier board of examiners was established in 1913. The Board, consisting of four members appointed by the Governor, has the authority to examine applicants and grant licenses to practice optometry. (See the [minutes](#), Exhibit O.)

At the February 9, 2016, work session, the Subcommittee recommended continuation of the Board without any revisions.

- The **Board of Dispensing Opticians** (NRS 637.030) was created in 1951. The Board consists of five members appointed by the Governor. The Board issues licenses to qualified applicants and may discipline licensees. (See the [minutes](#), Exhibits P and Q.)

For documents relating to public comment concerning the Board, see the “[Meetings](#)” tab for the Sunset Subcommittee (<https://www.leg.state.nv.us/App/InterimCommittee/REL/Interim2015/Committee/264>) for the meeting held on December 15, 2015.

At the February 9, 2016, work session, the Subcommittee recommended continuation of the Board without any revisions.

C. FEBRUARY 9, 2016

The third meeting of the Sunset Subcommittee was held on February 9, 2016. The members received written status reports from certain entities considered during the 2013–2014 Interim, including the **Advisory Council on the State Program for Wellness and the Prevention of Chronic Disease** (NRS 439.518), Division of Public and Behavioral Health, Department of Health and Human Services (DHHS); the **State Predatory Animal and Rodent Committee** (NRS 567.020), Department of Agriculture; and the **Board for the Education and Counseling of Displaced Homemakers** (NRS 388.615), Department of Employment, Training and Rehabilitation. For documents relating to these reports, see the [minutes](#) of the meeting at <https://www.leg.state.nv.us/App/InterimCommittee/REL/Document/3487>, **Exhibits AA, BB, and CC.**

As part of its work session at this meeting, the Subcommittee voted to recommend to the Legislative Commission that the Legislative Auditor conduct an audit and analysis of the legal and investigative expenditures and related cost recoveries of the **Board of Dental Examiners of Nevada** during CY2014 and CY2015.

The members heard from the entities listed below. For materials relating to the review of these boards and commissions, see the [minutes](#) of the meeting at <https://www.leg.state.nv.us/App/InterimCommittee/REL/Document/3487>.

- The **Executive Branch Audit Committee** (EBAC) (NRS 353A.038), Division of Internal Audits (DIA), Department of Administration (DOA), was created by the Legislature in 1999, when it also established the DIA. The EBAC, consisting of the six constitutional officers and one member of the general public, is chaired by the Governor. Because the purpose of the DIA is to audit executive branch agencies, the Director of the DIA reports directly to the EBAC, which sets its policies and procedures, approves its annual work plan, and receives its reports. The Director of the DIA requested a revision to NRS to provide that the Chair of the EBAC may direct the performance of an audit of an agency without prior approval of the EBAC. (See the [minutes](#), **Exhibit U.**)

At the February 23, 2016, work session, the Subcommittee recommended continuation of the EBAC. It further recommended amending NRS to provide that the Chair of the EBAC is authorized to direct the Administrator to perform an audit without first obtaining the approval of the entire Committee and that the final report of such an audit is submitted to

the full Committee, pursuant to the provisions of Chapter 353A (“Internal Accounting and Administrative Control”) of NRS.

- The **New Energy Industry Task Force** (NRS 701.500), Office of Energy, Office of the Governor, was created in 2009 to advise the Director of the Office of Energy on measures to promote the development of renewable energy and energy efficiency projects in Nevada. The Task Force consists of the Director and eight members from specific organizations representing the energy industry, environment, labor, and contractors, appointed by the Director. The Task Force had not met since 2013; representatives of the Governor reported the Task Force completed its assignment at that time and was inactive. The representatives requested that the Subcommittee continue the Task Force so it could be assigned another project. (See the [minutes](#), Exhibit X.)

At the February 23, 2016, work session, the Subcommittee recommended continuation of the Task Force without any recommended revisions. The Subcommittee further recommended that the Task Force provide a status report on its activities to the Subcommittee by February 1, 2017.

- The **Public Utilities Commission of Nevada** (PUCN) (NRS 703.020) was established in 1919 as an independent body known as the Public Service Commission (PSC). In 1997, the PSC was reorganized when its name was changed to the PUCN. The PUCN consists of three commissioners appointed by the Governor; it supervises and regulates the operation and maintenance of public utilities. Discussion occurred between the Subcommittee members and the PUCN’s general counsel regarding compliance with provisions of Nevada’s Open Meeting Law (OML). Staff of the PUCN presented information regarding the types of cases brought before the PUCN and public involvement at meetings. (See the [minutes](#), Exhibits V and W.)

For documents relating to public comment concerning the PUCN, see the “[Meetings](#)” tab for the Sunset Subcommittee (<https://www.leg.state.nv.us/App/InterimCommittee/REL/Interim2015/Committee/264>) for meetings held on February 9 and June 16, 2016.

At the June 16, 2016, work session, the Subcommittee recommended continuation of the PUCN without any revisions.

- The **Nevada Transportation Authority** (NTA) (NRS 232.510 and 706.1511), Department of Business and Industry (B&I), was created in 1997 when the Legislature reorganized the PSC of Nevada. The NTA, consisting of three members appointed by the Governor, is authorized to regulate certain carriers, operators of tow cars, and brokers of regulated services. Its responsibilities include processing applications, enforcing regulations, and ensuring compliance. The NTA regulates all taxicabs outside Clark County. In 2015, the Legislature added to the responsibilities of the NTA the regulation of transportation network companies (TNCs), including those operating within Clark County. The Chair of the NTA reported that new positions had been approved by the Interim Finance Committee

to ensure oversight of the TNCs. The members of the Subcommittee questioned the funding and possible consolidation of the NTA with the Taxicab Authority (TA), B&I. The Subcommittee reviewed the NTA in 2014–2015, when it was recommended for continuation without any modifications. (See the [minutes](#), Exhibit T.)

For documents relating to public comment concerning the NTA, see the “[Meetings](#)” tab for the Sunset Subcommittee (<https://www.leg.state.nv.us/App/InterimCommittee/REL/Interim2015/Committee/264>) for meetings held on February 9, February 23, and April 21, 2016.

At the June 16, 2016, work session, the Subcommittee recommended repealing provisions of NRS relating to the NTA. It further recommended consolidating the functions of the NTA with the TA in a new executive department.

- The **Taxicab Authority** (NRS 232.510 and 706.8818), B&I, added to NRS in 1969, consists of five members appointed by the Governor. The TA regulates and enforces provisions of NRS relating to the operation of taxicabs in Clark County. The Subcommittee and representatives of the TA discussed the audit released by the DIA, including the fees imposed by the TA for credit card transactions, fuel surcharges, and actions of field investigators. In addition to recommendations to revise certain procedures of the TA, the DIA recommended the elimination of the TA as a separate regulatory agency. The Subcommittee also was informed that the Livery Operators Association of Las Vegas had commissioned an analysis of the DIA’s audit report to be conducted by Applied Analysis. The TA made no recommendations for revisions to NRS. (See the [minutes](#), Exhibit S.)

For a copy of the audit conducted by the DIA (*Taxicab Authority [Report No. 16-01]*), see the “[Meetings](#)” tab for the Sunset Subcommittee (<https://www.leg.state.nv.us/App/InterimCommittee/REL/Interim2015/Committee/264>) for the February 9, 2016 meeting.

For documents relating to public comment concerning the Taxicab Authority, see the “[Meetings](#)” tab for the Sunset Subcommittee (<https://www.leg.state.nv.us/App/InterimCommittee/REL/Interim2015/Committee/264>) for the meetings held on February 9, February 23, and April 21, 2016.

At the June 16, 2016, meeting, the Subcommittee received the report and analysis of the DIA’s audit report of the TA, prepared by Applied Analysis. For a copy of the report, titled *Review of Department of Business and Industry Taxicab Authority Audit Report*, see the [minutes](#), **Agenda Item V A-1**, at <https://www.leg.state.nv.us/App/InterimCommittee/REL/Document/8874>.

At the June 16, 2016, work session, the Subcommittee recommended repealing provisions of NRS relating to the TA. It further recommended consolidating the functions of the TA with those of the NTA in a new executive department.

D. FEBRUARY 23, 2016

The fourth meeting of the Sunset Subcommittee was held on February 23, 2016. The members heard from the entities listed below. For materials relating to the review of these boards and commissions, see the [minutes](https://www.leg.state.nv.us/App/InterimCommittee/REL/Document/3488) of the meeting at <https://www.leg.state.nv.us/App/InterimCommittee/REL/Document/3488>.

- The **Commission for Common-Interest Communities and Condominium Hotels** (NRS 116.600), Real Estate Division (RED), B&I, was established in 2003 to settle disputes that concern many homeowners' associations. In 2007, condominium hotels were added to the purview of the Commission. The Commission consists of seven members appointed by the Governor to represent specific participants in common-interest communities. The Director of B&I informed the Subcommittee that the Commission is a nonbiased party that hears cases brought forward by the Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels, RED, B&I. (See the [minutes](#), Exhibits J and K.)

For documents relating to public comment concerning the Commission, see the "[Meetings](#)" tab for the Sunset Subcommittee (<https://www.leg.state.nv.us/App/InterimCommittee/REL/Interim2015/Committee/264>) for the February 23 and June 16, 2016, meetings.

At the work session on June 16, 2016, the Subcommittee recommended continuation of the Commission. It further recommended amending NRS to revise the membership to provide that the members who represent unit owners must be owner-occupants.

- The **Advisory Committee on Participatory Democracy** (ACPD) (NRS 225.240) was reviewed by the Subcommittee during the 2013–2014 Interim. At that time, the Subcommittee recommended continuation of the ACPD. It also requested the Secretary of State report to the Subcommittee during the 2015–2016 Interim on the activities of the ACPD, including any recommendations for changes to its governing statutes.

The Secretary of State presented an overview of the history, funding, membership, and duties of the ACPD to the Subcommittee. The Secretary suggested revisions to the existing requirements that the ACPD consist of 10 members and that it meet quarterly. (See the [minutes](#), Exhibits G, H, H-1, and I.)

At the work session on April 21, 2016, the Subcommittee recommended continuation of the ACPD. It further recommended amending NRS to provide:

- *The Secretary may appoint up to nine members, giving consideration to political, geographical, and demographical factors;*
- *The term of office for members shall be two years rather than three years, as currently provided;*

- *The ACPD shall hold at least one meeting, but not more than four meetings, per calendar year; and*
- *A majority of the members currently appointed constitute a quorum.*
- **The Advisory Committee on Housing** (NRS 319.173), Housing Division, B&I, established in 1987, consists of the Director of B&I and eight members appointed by the Director to represent various participants in housing construction, mortgage banking, and government and nonprofit housing programs. The Advisory Committee reviews and makes recommendations concerning the administration of the Account for Low-Income Housing, issuance of obligations, development of programs, and improvement of policies and procedures. The Director recommended abolishing the Advisory Committee, stating that the housing market has stabilized and the need for the Committee has declined. (See the [minutes](#), Exhibit L.)

At the work session on March 15, 2016, the Subcommittee recommended repealing provisions of NRS relating to the Advisory Committee.

- **The Interagency Panel** (NRS 395.070), DHHS, was formed in 1995 to review the placement of certain children in residential facilities, most of which were located outside Nevada. Some placements were managed jointly by Nevada's Department of Education (NDE) and DHHS. Staff of the Division of Child and Family Services, DHHS, confirmed that the Panel does not meet because more appropriate methods have been developed for determining placements of eligible children. (See the [minutes](#), Exhibit O.)

At the work session on March 15, 2016, the Subcommittee recommended repealing provisions of NRS relating to the Panel.

- **The Subcommittee on Personal Assistance for Persons with Severe Functional Disabilities of the Nevada Commission on Services for Persons with Disabilities** (NRS 426.731), Aging and Disability Services Division (ADSD), DHHS, was created in 2001 as an advisory committee with the purpose of determining the extent of the need and potential clients for services for persons with disabilities. The Advisory Committee was revised in 2009 to become a subcommittee of the Nevada Commission on Services for Persons with Disabilities. The staff of the ADSD recommended termination because workshops can be used to receive public comments and recommendations regarding the need for services. (See the [minutes](#), Exhibit N.)

At the work session on March 15, 2016, the Sunset Subcommittee recommended repealing provisions of NRS relating to the Subcommittee on Personal Assistance for Persons with Severe Functional Disabilities of the Nevada Commission on Services for Persons with Disabilities.

- The **Nevada Commission on Services for Persons with Disabilities** (NRS 427A.1211), ADSD, DHHS, was established in 2009 to consolidate a number of existing boards in DHHS to increase efficiency. The Commission consists of 11 voting members and 2 or more nonvoting members, appointed by the Director of DHHS. Its duties include evaluating the needs of persons with disabilities and seeking ways to avoid duplication of services between public and private organizations. It may make recommendations for legislation concerning persons with disabilities. The Chair of the Commission stated the Governor has charged the Commission to carry out the recommendations of a task force, appointed by the Governor, related to the employment of persons with intellectual or developmental disabilities. (See the [minutes](#), Exhibit M.)

At the work session on March 15, 2016, the Subcommittee recommended continuation of the Commission without any revisions.

E. MARCH 15, 2016

The fifth meeting of the Sunset Subcommittee was held on March 15, 2016. The members heard from the entities listed below. For materials relating to the review of these boards and commissions, see the [minutes](#) of the meeting at <https://www.leg.state.nv.us/App/InterimCommittee/REL/Document/3844>.

- The **Personnel Commission** (NRS 284.030), Division of Human Resource Management (DHRM), DOA, established by the Legislature in 1953 as an advisory commission, has the authority to adopt regulations for the State Personnel System, including changes to the classification plan, adjustment of grievances, and a system for administering disciplinary measures. The Commission consists of five members appointed by the Governor. The Commission made no recommendations for statutory revisions.

Staff from the DHRM informed the Subcommittee that the compensation of State workers lags behind other markets, which affects the ability to fill vacant positions. Positions are reviewed routinely.

Although NRS 284.055 provides that no regulations may be adopted, amended, or rescinded except by a majority vote of the entire membership of the Commission, no such requirement applies to decisions involving appeals from employees. Subcommittee members raised questions about the number of Commission members attending meetings when appeals from employees are considered. (See the [minutes](#), Exhibit C.)

At the work session on June 16, 2016, the Subcommittee recommended continuation of the Commission. It further recommended amending NRS to require:

- *The appointment of an alternate for each member;*

- *Attendance of a quorum of five members or alternates of the Commission at every meeting; and*
- *A majority vote of the entire Commission to decide an appeal from an employee.*
- The **Employee-Management Committee** (NRS 284.068), DHRM, DOA, was added to NRS in 1983. It makes final decisions for the adjustment of grievances between management and public employees. The Committee consists of six representatives from the Executive Department—three to represent management and three to represent employees. Alternates for all six members must also be appointed.

The Committee requested statutory revisions to exempt it from Chapter 233B (“Nevada Administrative Procedure Act”) of NRS and to remove from the Committee’s jurisdiction grievances for which there is another administrative complaint process.

Following the review by the Sunset Subcommittee, the Legislative Commission approved Regulation LCB File No. R076-15, which gives the DHRM the authority to remove a grievance when the issue does not meet the definition of grievance pursuant to NRS 284.384. The Deputy Administrator for the DHRM subsequently withdrew the requested statutory revisions. (See the [minutes](#), Exhibits D and E.)

At the work session on June 16, 2016, the Subcommittee recommended continuation of the Committee without any revisions.

- The **Committee on Catastrophic Leave** (NRS 284.3627), DHRM, DOA, established in 2001, receives appeals from employees who have been denied requests for the use of catastrophic leave, as defined. The Committee consists of five members, three of whom are executive officers of State agencies and two who represent labor. All members are appointed by the Governor. The Committee is not subject to the OML due to the nature of the medical conditions of employees appealing for leave. However, DHRM staff noted that 55 cases had been appealed to the Commission since its creation in Fiscal Year 2002. The Committee made no requests for statutory changes. (See the [minutes](#), Exhibits F, G, and H.)

At the work session on April 21, 2016, the Subcommittee recommended continuation of the Committee without any revisions

- The **Merit Award Board** (NRS 285.030), DHRM, DOA, created in 1967, was revised in 2011. The Board is composed of five members who represent:
 - the American Federation of State, County and Municipal Employees;
 - the Budget Division of the DOA;

- o the DHRM; and
- o the Governor.

The Board reviews and evaluates the merits of suggestions submitted by State employees that, if implemented, could result in savings to State government. The Board made several suggestions for revisions to Chapter 285 (“Awards to State Employees”) of NRS. (See the [minutes](#), Exhibit I.)

At the work session on June 16, 2016, the Subcommittee recommended continuation of the Board. It further recommended amending NRS as follows:

- o *Clarify in Chapter 285 of NRS that the “adoption” of an employee’s suggestion means the actual implementation of the suggestion;*
 - o *Remove the obsolete reference to a cap on expenditures by the Board because the budget for the Board is established in a budget account;*
 - o *Delete the word “currently” in NRS 285.050 and clarify that an employee is limited to two suggestions in any calendar year;*
 - o *Increase the period within which the head of a State agency must report findings and recommendations to the Board; and*
 - o *Revise the time frame for paying installments of awards.*
- **The Local Government Employee-Management Relations Board (EMRB)** (NRS 288.080), B&I, was established in 1969. The Board consists of three members appointed by the Governor for terms of four years. Its purpose is to act as a board of review or appeal for local governments and employee organizations engaged in collective bargaining. The EMRB is funded by charging each local government employer a fee of \$6.75 per employee.

The Board suggested its membership be increased to five so that panels of three members could hear more cases. The Director of B&I suggested the additional members be residents of southern Nevada because most cases before the EMRB arise there. The Director estimated that adding the two members might result in an increase in the fee per employee by 12 cents. (See the [minutes](#), Exhibits J and K.)

At the work session on June 16, 2016, the Subcommittee recommended continuation of the Board. It further recommended amending NRS to expand the membership of the Board to five members, at least three of whom must reside in southern Nevada.

- The **Board for the Administration of the Subsequent Injury Account for Self-Insured Employers** (NRS 616B.548), Division of Industrial Relations (DIR), B&I, created in 1995, administers the Account, located in the Fund for Workers' Compensation and Safety. The Board adopts regulations for rates, payments, and penalties. The Board consists of five members who must be self-insured employers.

The Board's legal counsel informed the Subcommittee members that the Board members are knowledgeable in matters of workers' compensation; only 15 decisions have been appealed to the District Court and only 3 of those have reached the Nevada Supreme Court. The Board made no requests for revisions to NRS. (See the [minutes](#), Exhibit L.)

At the work session on April 21, 2016, the Subcommittee recommended continuation of the Board without any revisions.

- The **Board for the Administration of the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers** (NRS 616B.569), DIR, B&I, was also created in 1995, at the same time the Board and Account for Self-insured Employers was established. The Board administers the Account for Associations of Self-Insured Public or Private Employers. It also adopts regulations for rates, payments, and penalties.

The Board consists of five members appointed by the Governor. Board members must belong to an association of self-insured public or private employers. The employers were described by a representative of the Board as communities of small businesses that insure themselves by contributing their own money, which gives them the ability to control their workers' compensation costs. The Board made no requests for revisions to NRS. (See the [minutes](#), Exhibit M.)

At the work session on April 21, 2016, the Subcommittee recommended continuation of the Board without any revisions.

- The **Appeals Panel for Industrial Insurance** (NRS 616B.760), Division of Insurance, B&I, consists of seven members appointed by the Governor. The Panel was established in 1999 for the purpose of reviewing appeals from employers who have concerns regarding their classifications of risk that affect their insurance rates. The Panel has received nine appeals from employers since 2009. A representative of the Panel expressed his views that the Panel has been successful in providing aggrieved employers a means to resolve disputes with insurers or the advisory organization concerning their workers' compensation classification, experience modification, or other rating components. The Panel did not request any statutory changes. (See the [minutes](#), Exhibit N.)

At the work session on April 21, 2016, the Subcommittee recommended continuation of the Panel without any revisions.

- The **Occupational Safety and Health Review Board** (NRS 618.565), DIR, B&I, was created in 1973 to comply with the federal Occupational Safety and Health Act (OSHA) of 1970. The Board provides local enforcement of federal regulations and requirements. A representative of the Board indicated that, without a State-level board, the federal government would enforce OSHA provisions in Nevada. The Board consists of five members appointed by the Governor to represent management, labor, and the general public. The Board did not request any statutory changes. (See the [minutes](#), Exhibit O.)

At the work session on April 21, 2016, the Subcommittee recommended continuation of the Board without any revisions.

F. APRIL 21, 2016

The sixth meeting of the Sunset Subcommittee was held on April 21, 2016. For materials relating to the presentations and review of these boards and commissions, see the [minutes](#) of the meeting at <https://www.leg.state.nv.us/App/InterimCommittee/REL/Document/4495>.

The Subcommittee received a briefing from the Chief Litigation Counsel, Legal Division, LCB, on the decision of the United States Supreme Court in *North Carolina State Board of Dental Examiners v. Federal Trade Commission* (FTC), 135 S. Ct. 1101 (2015), regarding professional and occupational licensing boards. In this case, the Supreme Court found that the State of North Carolina had not provided adequate active supervision of a state licensing board. Consequently, the North Carolina State Board of Dental Examiners was found to be acting in an anticompetitive manner. Legislative Counsel Bureau staff indicated the holding may have an impact in Nevada and other states as the FTC considers the implications. (See the [minutes of the meeting for a transcript of the presentation from the Chief Litigation Counsel](#).)

The Subcommittee also received a status report from the **Nevada Commission for Women** (NRS 233I.020), previously reviewed by the Subcommittee during the 2013–2014 Interim. Upon the Governor’s assurance that he would appoint new members and reactivate the Commission, the Subcommittee recommended continuation. The Commission became active during the 2015–2016 Interim. (See the [minutes](#), Exhibit G.)

The members heard from the entities listed below. For materials relating to the review of these boards and commissions, see the [minutes](#) of the meeting at <https://www.leg.state.nv.us/App/InterimCommittee/REL/Document/4495>.

- The **State Board of Education** (NRS 385.021) consists of a total of seven voting members and four nonvoting members. Four voting members are elected, one from each congressional district; three voting members are appointed by the Governor to represent teachers, parents or guardians, and business or industry. The four nonvoting members are appointed by the Governor to represent school district boards of trustees, school superintendents, the Nevada System of Higher Education (NSHE), and public school students.

The Board traces its roots to acts of the Nevada Territory. Its purpose is to establish statewide public school policy, exercise duties as assigned, and oversee school accountability. In testimony before the Subcommittee, the Vice President of the Board described the Board as advisory in nature. Members of the Subcommittee indicated a preference for more efforts to ensure job readiness among high school graduates. ([See the minutes, Exhibit H.](#))

At the work session on June 16, 2016, the Subcommittee recommended continuation of the Board. It further recommended amending NRS to provide that the voting member of the Board, appointed to represent teachers, should be a teacher of career and technical education (CTE).

- The **Advisory Council on Parental Involvement and Family Engagement** (NRS 385.610), NDE, was added to NRS in 2007 at the recommendation of the Legislative Committee on Education (LCE). The Advisory Council consists of 11 members, nine of whom are appointed by the Superintendent of Public Instruction to represent parents, parent-teacher organizations, teachers, administrators, private business or industry, and school district boards of trustees. In addition, the Speaker of the Assembly and the Senate Majority Leader each appoint a member from their respective houses.

The Advisory Council reviews parental involvement policies adopted by the State Board of Education and the school districts, identifies best practices for communication with parents and guardians, and reports on its activities to the Legislature and the LCE.

The Advisory Council requested revisions to the reports provided to legislators and a change in its name to delete “Parental Involvement” because the term “Family Engagement” encompasses all members of the family, including parents. ([See the minutes, Exhibits I and J.](#))

At the work session on June 16, 2016, the Subcommittee recommended continuation of the Advisory Council. It further recommended amending NRS to revise the name of the Advisory Council by deleting “Parental Involvement and” from the name of the Advisory Council. The Subcommittee also recommended amending NRS to repeal the annual report to the LCE and revise the biennial report to the Legislature to require that it be submitted annually.

- The **State Board for Career and Technical Education** (NRS 388.330) consists of the members of the State Board of Education. In 1917, to ensure compliance with requirements linked to acceptance of federal funds, the Legislature designated the State Board of Education as the State Board for Vocational Education. Recommendations were made in the 1950s to repeal the separate vocational education board, although these were not enacted. In 1971, the Legislature required the two boards to meet together.

Federal legislation has consistently required that a state designate or create a single, state-level board to administer federal aid for CTE. Representatives of NDE and the State Board of Education indicated that two separate statutory boards no longer appear to be necessary.

Members of the Subcommittee expressed a concern that CTE is not receiving adequate support. The Superintendent of Public Instruction indicated that representatives of industry and CTE sectors provide necessary information when the State Board of Education reviews regulations proposed for adoption. (See the [minutes](#), Exhibit K.)

At the work session on June 16, 2016, the Subcommittee recommended repealing provisions of NRS relating to the State Board for CTE. It further recommended amending NRS to transfer the responsibilities of the State Board for CTE to the State Board of Education.

- The **Commission on Educational Technology** (NRS 388.790), NDE, was created as part of the Nevada Education Reform Act of 1997. The Commission consists of 13 members, of which 7 are appointed by the Governor. The Senate Majority Leader and the Speaker of the Assembly each appoint one legislator and one individual employed in the field of technology. *Ex officio* members are the Superintendent of Public Instruction and the Administrator of the Division of Enterprise Information Technology Services, DOA.

The Commission's duties include establishing a plan for the use of educational technology in the public schools, developing technical standards, allocating money from the Trust Fund for Educational Technology, and conducting an assessment of the educational technology needs of each school district.

During the 2009–2010 Interim, the Legislative Commission's Committee to Study the Governance and Oversight of the System of K–12 Public Education (Assembly Concurrent Resolution No. 2, File No. 89, *Statutes of Nevada 2009*) recommended transferring the Commission's duties to NDE. The Governor's Education Reform Blue Ribbon Task Force also recommended reducing and realigning a number of standing education-related councils and commissions.

The Commission requested revisions to NRS governing its membership. The Commission also recommended repealing provisions that require it to develop technical standards and to submit a needs assessment report relating to educational technology. (See the [minutes](#), Exhibit L.)

At the work session on June 16, 2016, the Subcommittee recommended repealing provisions of NRS relating to the Commission. It further recommended amending NRS to transfer the responsibilities of the Commission to NDE.

For information on the recommendations to repeal the Commission made by the Committee to Study the Governance and Oversight of the System of K-12 Public Education, see the [minutes](#) of the June 16, 2016, meeting at <https://www.leg.state.nv.us/App/InterimCommittee/REL/Document/8874>, **Agenda Item VI A-1**.

- The **State Council for the Coordination of the Interstate Compact on Educational Opportunity for Military Children** (NRS 388F.020) was established in 2009 to comply with the provisions of the Compact that require the formation of a state-level council as a condition of acceptance. The Council consists of a member of the Nevada National Guard, the Superintendent of Public Instruction, a legislator, and a representative of the Governor. In addition, a representative of each military installation in Nevada and the superintendent of each school district in which a military installation is located are appointed. The Governor also appoints a Commissioner to manage the State's participation in the Compact. The concept of the Compact was developed by the U.S. Department of Defense and the Council of State Governments to address reciprocity and difficulties facing high school students who change high schools due to military transfers of their parents. The Council had no requests for revisions to NRS. (See the [minutes](#), Exhibit M.)

At the work session on June 16, 2016, the Subcommittee recommended continuation of the Council without any revisions.

- The **Board of Trustees of the Fund for Hospital Care to Indigent Persons** (NRS 428.195) was established in 1983 for the purpose of administering the Fund, which was created to provide assistance to indigent persons injured in automobile accidents. The Board consists of five members appointed by the Governor from a list of nominations submitted by the Nevada Association of Counties. The Board has the authority to enter into contracts and agreements, including an agreement with the Division of Health Care Financing and Policy, DHHS, to transfer money to the Division for use in the State Plan for Medicaid. The Board assumed the duties of the Board of Trustees of the Fund for the Institutional Care of the Medically Indigent, which the Sunset Subcommittee recommended for termination during the 2013-2014 Interim. The Board made no requests for statutory revisions. (See the [minutes](#), Exhibit N.)

At the work session on June 16, 2016, the Subcommittee recommended continuation of the Board without any revisions.

- The **State 4-H Camp Advisory Council** (NRS 550.035), Public Service Division, Board of Regents, NSHE, consists of 12 members: 2 members appointed by the President of the University of Nevada, Reno; 4 members from leaders of 4-H Clubs, elected by leaders; 4 members designated from among its members by the Nevada Farm Bureau; and 2 members from the Agricultural Extension Service, elected by county agents.

The State 4-H Camp Institute was established in 1947. The Director of the Agricultural Extension Department of NSHE is to cooperate with the Advisory Council, established in 1965, to maintain and manage all property of the Camp. The State 4-H Program Director requested several statutory changes, including revisions to the purpose of the State 4-H Camp, the composition of the Advisory Council membership, the powers and duties of the Director, the disposition of real property, and the process for negotiating adjustments to boundaries of the Camp and granting other easements. (See the [minutes](#), **Exhibit O.**)

At the work session on June 16, 2016, the Subcommittee recommended continuation of the Advisory Council without any revisions.

- The **Nevada Junior Livestock Show Board** (NRS 563.010), State Department of Agriculture, established in 1945, consists of eight members appointed by the Governor. The Board conducts the annual Junior Livestock Show and the Nevada Youth Livestock and Dairy Show. The Board manages all property belonging to these shows and oversees the real property leased to Washoe County for use as fairgrounds. The Board also collects and disseminates information useful to producers, growers, and breeders of livestock. The Board had no recommendations for revisions. (See the [minutes](#), **Exhibit P.**)

At the work session on June 16, 2016, the Subcommittee recommended continuation of the Board without any revisions.

G. JUNE 16, 2016

The Subcommittee's seventh and final meeting was held on June 16, 2016. For materials relating to the presentations and the review of these boards, see the [minutes](#) of the meeting at <https://www.leg.state.nv.us/App/InterimCommittee/REL/Document/8874>.

- **Nevada State Board of Dental Examiners**—The Subcommittee received from the staff of the Audit Division, LCB, the results of an audit titled *Performance Audit: Nevada State Board of Dental Examiners 2016* (LA 16-14), recommended by the Subcommittee on February 9, 2016. The audit report contained 14 recommendations that addressed the tracking of costs, Board policies, disciplinary screening officers' investigations, and records relating to investigations.

Three main areas of concern were identified in the audit report, as follows:

- Overcharging licensees for investigations, including a recommendation that overcharges be refunded;
- Reporting and monitoring legal expenses, including recording recoveries collected from licensees for disciplinary actions and monitoring activities as revenue instead of a reduction in expenses; and

- o Overseeing the work of investigators, including instituting an independent review process regarding complaint investigation and resolution.

(See the [minutes](#), Agenda Items IV A-1 and A-2.)

- **Taxicab Authority**—The Sunset Subcommittee also received a presentation from Applied Analysis titled *Review of Department of Business and Industry Taxicab Authority Audit Report*. The report, commissioned by the Livery Operators Association of Las Vegas, summarized its analysis of an audit prepared by the Division of Internal Audits. The DIA audited the TA in 2015 and released its audit to the Executive Branch Audit Committee in January 2016. The Sunset Subcommittee reviewed the TA at its meeting on February 9, 2016. Following the statement at that meeting that Applied Analysis had been commissioned to review the DIA audit, the Chair of the Subcommittee indicated no action would be taken on the TA before the presentation of the analysis of the report.

The analysis was limited to issues relating to taxicab fare increases, the fuel surcharge, and the credit card fee. The report's conclusions related to these issues. (See the [minutes](#), Agenda Items V A-1, A-2, A-3, A-4, A-5, and Agenda Item V B.)

The Subcommittee conducted its final work session and made recommendations regarding all boards and commissions that it had not previously considered. A summary of the actions taken by the Subcommittee on these entities is provided under the meeting date at which the entity made its initial presentation.

The Subcommittee also considered the functions and operation of the **Sunset Subcommittee of the Legislative Commission**.

It recommended amending NRS to provide that the Subcommittee may submit its recommendations to the Legislative Commission at a date later than the statutory date of June 30 provided in NRS 232B.250. It also recommended that appointments of members to the Subcommittee be made as early as possible in the interim.

III. SUBCOMMITTEE ACTIONS, RECOMMENDATIONS, AND STATEMENTS

At each work session, the Subcommittee considered numerous recommendations for action by the Legislative Commission. The Subcommittee considered sending letters to selected State agencies. The members also voted to include statements of concern or other recommendations in its final report.

A. ACTIONS

A summary of the Subcommittee's actions is listed below:

Entities Recommended for Continuation

Employee-Management Committee (NRS 284.068)

Committee on Catastrophic Leave (NRS 284.3627)

State Council for the Coordination of the Interstate Compact on Educational Opportunity for Military Children (NRS 388F.020)

Nevada Commission on Services for Persons with Disabilities (NRS 427A.1211)

Board of Trustees of the Fund for Hospital Care to Indigent Persons (NRS 428.195)

State 4-H Camp Advisory Council (NRS 550.035)

Nevada Junior Livestock Show Board (NRS 563.010)

Board for the Administration of the Subsequent Injury Account for Self-Insured Employers (NRS 616B.548)

Board for the Administration of the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers (NRS 616B.569)

Appeals Panel for Industrial Insurance (NRS 616B.760)

Occupational Safety and Health Review Board (NRS 618.565)

Committee on Dental Hygiene (NRS 631.205)

Nevada State Board of Optometry (NRS 636.030)

Board of Dispensing Opticians (NRS 637.030)

New Energy Industry Task Force (NRS 701.500)

Public Utilities Commission of Nevada (NRS 703.020)

Entities Recommended for Continuation With Recommendations for Statutory Revisions

Commission for Common-Interest Communities and Condominium Hotels (NRS 116.600)

Advisory Committee on Participatory Democracy (NRS 225.240)

Personnel Commission (NRS 284.030)

Merit Award Board (NRS 285.030)

Local Government Employee-Management Relations Board (NRS 288.080)

Executive Branch Audit Committee (NRS 353A.038)

State Board of Education (NRS 385.021)

Advisory Council on Parental Involvement and Family Engagement (NRS 385.610)

Board of Dental Examiners of Nevada (NRS 631.120)

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

Entities Recommended for Consolidation

Nevada Transportation Authority (NRS 232.510 and 706.1511)

Taxicab Authority (NRS 232.510 and 706.8818)

Entities Recommended for Termination

Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court Justices, Judges of the Court of Appeals, District Judges and Elected County Officers (NRS 281.1571)

Advisory Committee on Housing (NRS 319.173)

Interagency Panel (NRS 395.070)

Subcommittee on Personal Assistance for Persons with Severe Functional Disabilities of the Nevada Commission on Services for Persons with Disabilities (NRS 426.731)

Entities Recommended for Termination With Functions Transferred

State Board for Career and Technical Education (NRS 388.330)

Commission on Educational Technology (NRS 388.790)

Further Recommendations

Sunset Subcommittee of the Legislative Commission (NRS 232B.210)

B. ADDITIONAL RECOMMENDATIONS AND STATEMENTS

- **Sunset Subcommittee of the Legislative Commission**—At its final work session on June 16, 2016, the Subcommittee members discussed the functions and operation of the Subcommittee itself, including the timeline provided for the review of boards, commissions, and similar entities pursuant to statute. The members voted to recommend amending NRS 232B.250 to provide that the Subcommittee determine its recommendations to be submitted to the Legislative Commission at a date later than the statutory date of June 30 as provided, thereby extending the time available to review entities.

*In addition, at its final work session, the members voted to recommend to legislative leadership that appointments of members to the Subcommittee be made as early as possible in the interim. (See **Appendix D** for letters to the Senate Majority Leader and the Speaker of the Assembly.)*

- **New Energy Industry Task Force**—The Task Force was reviewed by the Subcommittee at its meeting on February 9, 2016. Members of the Subcommittee were informed that, although the Task Force had not met since 2013, the Governor requested continuation of the Task Force. Members of his staff indicated the Governor planned to reactive the Task Force and assign it new duties.

*At its work session on February 23, 2016, the Subcommittee voted to send a letter to the Task Force directing it to provide a report of its activities in 2016 either to the Sunset Subcommittee or the Legislative Commission. The Chair of the Subcommittee indicated he would reserve a bill draft request to repeal the Task Force if it failed to meet subsequent to the Subcommittee's recommendation for continuation. (See **Appendix D** for a copy of the letter.)*

NOTE: On February 23, 2016, the Governor issued Executive Order 2016-04, instructing the Director of the Governor's Office of Energy to reconvene the New Energy Industry Task Force. The Task Force was directed to provide recommendations on energy policies relating to clean energy sources, the creation of a modern energy grid, and solar energy. The Executive Order provided that the Task Force should report its findings and recommendations by September 30, 2016.

- **Board of Dental Examiners of Nevada**—The Subcommittee considered the Board at its meeting on December 15, 2015. It subsequently recommended an audit of the Board's legal and investigative expenditures and related costs in CY2014 and CY2015. The findings of the audit were presented to the Subcommittee for its consideration at its meeting on June 16, 2016.

The Legislative Auditor reported that the Board could save approximately \$100,000 per year by hiring a General Counsel, while still utilizing the services of outside counsel as necessary. Further, the Auditor reported that the Board spends over \$300,000 annually on legal counsel. Other boards contacted by staff auditors utilized internal or Attorney General staff to fulfill legal services. According to the Audit Division, none of the boards indicated outside counsel was a significant provider of legal representation. Finally, the Board did not adequately monitor the legal expenses and workload related to outside counsel to determine whether it would be cost beneficial to hire a staff attorney.

At its work session on June 16, 2016, the Subcommittee voted to send a letter to the Board directing an analysis and report of the practice of contracting with outside legal counsel rather than employing General Counsel as staff, including a statement of reasons for contracting with outside counsel. The letter would also direct the Board to provide an explanation as to why the Board does not refund licensees the amounts they have been overcharged as a result of investigations. (See Appendix D for a copy of the letter.)

- **State Board of Oriental Medicine**—During the review of the Board on December 15, 2015, the Subcommittee members raised questions regarding the number of applicants licensed over the past six years, as well as reciprocity with other states. The members also discussed enrollment of students in programs at Wongu University of Oriental Medicine in Las Vegas and the projected number of graduates from that institution.

During the review and public comment, proposed Regulation LCB File No. R072-14 was discussed. The regulation proposes to require a student to complete a degree of Doctor of Oriental Medicine or Doctor of Acupuncture and Oriental Medicine and 4000 hours of instruction. The proposed regulation would also establish an accreditation committee, which would recommend to the Board the approval of schools or colleges of Oriental medicine and annual approval of curricula.

*At its work session on June 16, 2016, the members voted to send a letter to the Board recommending that it withdraw the portion of LCB File No. R072-14 that imposes the doctoral requirements and to inform the Legislative Commission of the Subcommittee's opposition to those portions of the proposed regulation. (See **Appendix D** for a copy of the letter.)*

IV. CONCLUDING REMARKS

INSERT PARAGRAPH SUMMARIZING THE PRESENTATION OF RECOMMENDATIONS TO THE LEGISLATIVE COMMISSION AND ITS SUBSEQUENT APPROVAL OR REJECTION OF RECOMMENDATIONS.

The members of the Subcommittee wish to thank the boards, commissions, committees, councils, and other entities chosen for review during the 2015–2016 Interim for their work in preparing the required reports and sending representatives to testify before the Subcommittee. The members also appreciate the assistance and cooperation provided by the staff of the Governor and those of State departments and agencies who assisted boards and commissions to present materials and testify before the Subcommittee.

V. APPENDICES

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draft

APPENDIX A

Nevada Revised Statutes 232B.210 through 232B.250

draft

Nevada Revised Statutes

NRS 232B.210 Creation; membership; election of Chair and Vice Chair; vacancies; meetings; quorum; compensation; expenses.

1. The Sunset Subcommittee of the Legislative Commission, consisting of nine members, is hereby created. The membership of the Sunset Subcommittee consists of:

(a) Three voting members of the Legislature appointed by the Majority Leader of the Senate, at least one of whom must be a member of the minority political party;

(b) Three voting members of the Legislature appointed by the Speaker of the Assembly, at least one of whom must be a member of the minority political party; and

(c) Three nonvoting members of the general public appointed by the Chair of the Legislative Commission from among the names of nominees submitted by the Governor pursuant to subsection 2.

2. The Governor shall, at least 30 days before the beginning of the term of any member appointed pursuant to paragraph (c) of subsection 1, or within 30 days after such a position on the Sunset Subcommittee becomes vacant, submit to the Legislative Commission the names of at least three persons qualified for membership on the Sunset Subcommittee. The Chair of the Legislative Commission shall appoint a new member or fill the vacancy from the list, or request a new list. The Chair of the Legislative Commission may appoint any qualified person who is a resident of this State to a position described in paragraph (c) of subsection 1.

3. Each member of the Sunset Subcommittee serves at the pleasure of the appointing authority.

4. The voting members of the Sunset Subcommittee shall elect a Chair from one House of the Legislature and a Vice Chair from the other House. Each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the office of Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

5. The membership of any member of the Sunset Subcommittee who is a Legislator and who is not a candidate for reelection or who is defeated for reelection terminates on the day next after the general election.

6. A vacancy on the Sunset Subcommittee must be filled in the same manner as the original appointment.

7. The Sunset Subcommittee shall meet at the times and places specified by a call of the Chair. Four voting members of the Sunset Subcommittee constitute a quorum, and a quorum may exercise any power or authority conferred on the Sunset Subcommittee.

8. For each day or portion of a day during which a member of the Sunset Subcommittee who is a Legislator attends a meeting of the Sunset Subcommittee or is otherwise engaged in the business of the Sunset Subcommittee, except during a regular or special session of the Legislature, the Legislator is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers generally; and

(c) Travel expenses provided pursuant to NRS 218A.655.

↳ The compensation, per diem allowances and travel expenses of the members of the Sunset Subcommittee who are Legislators must be paid from the Legislative Fund.

9. While engaged in the business of the Sunset Subcommittee, the members of the Subcommittee who are not Legislators are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

(Added to NRS by 2011, 2992; A 2013, 787)

NRS 232B.220 Review of certain boards and commissions.

1. The Sunset Subcommittee of the Legislative Commission shall conduct a review of each board and commission in this State which is not provided for in the Nevada Constitution or established by an executive order of the Governor to determine whether the board or commission should be terminated, modified, consolidated with another board or commission or continued. Such a review must include, without limitation:

(a) An evaluation of the major policies and programs of the board or commission, including, without limitation, an examination of other programs or services offered in this State to determine if any other provided programs or services duplicate those offered by the board or commission;

(b) Any recommendations for improvements in the policies and programs offered by the board or commission; and

(c) A determination of whether any statutory tax exemptions, abatements or money set aside to be provided to the board or commission should be terminated, modified or continued.

2. The Sunset Subcommittee shall review not less than 10 boards and commissions specified in subsection 1 each legislative interim.

3. Any action taken by the Sunset Subcommittee concerning a board or commission pursuant to NRS 232B.210 to 232B.250, inclusive, is in addition or supplemental to any action taken by the Legislative Commission pursuant to NRS 232B.010 to 232B.100, inclusive.

(Added to NRS by 2011, 2994; A 2013, 788)

NRS 232B.230 Submission of required information by boards and commissions subject to review; assistance from Legislative Counsel Bureau.

1. Each board and commission subject to review by the Sunset Subcommittee of the Legislative Commission shall submit information to the Sunset Subcommittee on a form prescribed by the Sunset Subcommittee. The information must include, without limitation:

(a) The name of the board or commission;

(b) The name of each member of the board or commission;

(c) The address of the Internet website established and maintained by the board or commission, if any;

(d) The name and contact information of the executive director of the board or commission, if any;

(e) A list of the members of the staff of the board or commission;

- (f) The authority by which the board or commission was created;
- (g) The governing structure of the board or commission, including, without limitation, information concerning the method, terms, qualifications and conditions of appointment and removal of the members of the board or commission;
- (h) The duties of the board or commission;
- (i) The operating budget of the board or commission;
- (j) A statement setting forth the income and expenses of the board or commission for at least 3 years immediately preceding the date on which the board or commission submits the form required by this subsection, including the balances of any fund or account maintained by or on behalf of the board or commission;
- (k) The most recent audit conducted of the board or commission, if any;
- (l) The dates of the immediately preceding six meetings held by the board or commission;
- (m) A statement of the objectives and programs of the board or commission;
- (n) A conclusion concerning the effectiveness of the objectives and programs of the board or commission;
- (o) Any recommendations for statutory changes which are necessary for the board or commission to carry out its objectives and programs; and
- (p) Such other information as the Sunset Subcommittee may require.

2. The Sunset Subcommittee may direct the Legislative Counsel Bureau to assist in its research, investigations, review and analysis of the information submitted by each board and commission pursuant to subsection 1.

(Added to NRS by 2011, 2994)

NRS 232B.235 Audit of certain boards and commissions: Recommendation; duties of Legislative Commission.

1. At any time during a legislative interim, if the Sunset Subcommittee of the Legislative Commission determines that a board or commission subject to review by the Sunset Subcommittee should be audited, the Sunset Subcommittee shall make such a recommendation to the Legislative Commission. The Sunset Subcommittee shall include with its recommendation a summary of the justification for the recommendation.

2. After receiving a recommendation from the Sunset Subcommittee pursuant to subsection 1, the Legislative Commission shall evaluate the recommendation and determine whether to direct the Legislative Auditor to perform an audit of the board or commission pursuant to NRS 218G.120. In making its determination, the Legislative Commission shall consider the current workload of the Audit Division of the Legislative Counsel Bureau.

3. The Legislative Auditor shall not perform more than four audits directed by the Legislative Commission pursuant to this section during a legislative interim.

(Added to NRS by 2013, 787)

NRS 232B.240 Duty to conduct public hearings; consideration of certain reports; burden of proving public need for continued existence of board or commission.

1. The Sunset Subcommittee of the Legislative Commission shall conduct public hearings for the purpose of obtaining comments on, and may require the Legislative Counsel Bureau to

APPENDIX D

Letters from Senator James A. Settelmeyer, Chair

Letter to the Board of Dental Examiners of Nevada

Letter to the Senate Majority Leader

Letter to the Speaker of the Assembly

Letter to the New Energy Industry Task Force

Letter to the State Board of Oriental Medicine

draft

September 14, 2016

Timothy T. Pinther, D.D.S.
President
Board of Dental Examiners of Nevada
6010 South Rainbow Boulevard, Suite A1
Las Vegas, Nevada 89118-2544

Dear President Pinther:

The Sunset Subcommittee of the Legislative Commission (*Nevada Revised Statutes* [NRS] 232B.210) has completed its work for the 2015–2016 Legislative Interim. Throughout this Interim, the Subcommittee considered several boards, commissions, and similar entities established by acts of the Nevada Legislature. The Subcommittee is charged with determining whether those entities should be continued, modified, consolidated with another agency, or terminated. At the completion of each interim, pursuant to statute, the Subcommittee reports its recommendations to the Legislative Commission.

At its meeting on December 15, 2015, the Subcommittee reviewed the Board of Dental Examiners of Nevada (NRS 631.120). At that time, the discussion among members of the Subcommittee and representatives of the Board, as well as licensed dental practitioners, included the topics of investigations of licensees and the role of outside legal counsel. Subsequently, at its meeting on February 9, 2016, the Subcommittee members voted to recommend that the Legislative Auditor conduct an audit and analysis of the Board's legal and investigative expenditures and related cost recoveries during Calendar Years 2014 and 2015.

The Legislative Auditor's staff presented its findings and recommendations to the Subcommittee at its meeting on June 16, 2016. Among other conclusions, the audit estimated the Board could save approximately \$100,000 per year by employing a general counsel. In addition, the Auditor noted that other licensing boards contacted for this audit reported that they utilize internal staff or the services of a deputy Attorney General for legal assistance.

The audit also reported that the Board overcharged licensees for investigative costs in nearly half of the investigations over the period reviewed by the auditors. The audit recommended refunding the amounts that were overcharged.

Timothy T. Pinther, D.D.S.

Page 2

September 14, 2016

At its final work session on June 16, 2016, the Subcommittee voted to recommend continuation of the Board. However, based on the audit findings, the Subcommittee also voted to direct the Board to provide the following:

- An analysis and explanation for its practice of contracting with outside legal counsel rather than employing general counsel as staff. In conformance with the recommendations of the Auditor, the Subcommittee wishes the discussion and review to be conducted at a public Board meeting; and
- An explanation as to why the Board does not refund licensees the amounts they have been overcharged as a result of investigations.

Please submit this information, including minutes of public meetings, by January 1, 2017, to the Subcommittee staff so that it is available for consideration by the Nevada Legislature during the 79th Session.

Thank you for your attention to this request and for the assistance provided by members of the staff of the Board of Dental Examiners of Nevada as the Subcommittee conducted its reviews and completed its work. As always, please do not hesitate to contact me if the Subcommittee or I may be of assistance.

Sincerely,



Senator James A. Settelmeyer, Chair
Sunset Subcommittee of the
Legislative Commission

JAS/jc:W163300

cc: Debra Shaffer-Kugel, Executive Director, Board of Dental Examiners of Nevada

September 14, 2016

[SENATE MAJORITY LEADER]
Room 1222
Legislative Building
401 South Carson Street
Carson City, Nevada 89701-4747

Dear [SENATOR]:

The Sunset Subcommittee of the Legislative Commission, established pursuant to *Nevada Revised Statutes* (NRS) 232B.210, is required to review all boards, commissions, and similar entities created by the Nevada Legislature to determine whether each entity should be continued, modified, consolidated with another, or terminated with its functions transferred, as appropriate. In addition, NRS 232B.250 requires the Subcommittee to make its recommendations regarding boards and commissions by June 30 in even-numbered years.

Since the 2011–2012 Interim, the Subcommittee has reviewed 91 individual boards and commissions; three of those have come before the Subcommittee more than once in the short time the Subcommittee has existed. Thus far, the Subcommittee has recommended terminating 19 entities, including a number of advisory committees. It has also recommended modifications to 25 entities and consolidation of 2 licensing boards into one. This year, the Subcommittee has recommended consolidating two transportation-related authorities into one new executive department. Nevertheless, with a total of approximately 200 boards and commissions to review, the Subcommittee has considerable work ahead of it.

For that reason, the Subcommittee members voted at its June 16, 2016, work session to recommend statutory revisions to permit the Subcommittee to submit its recommendations by a date later than June 30. The members also voted to request that the appointing authorities, the Senate Majority Leader and the Speaker of the Assembly, designate the legislative members as soon as possible at the beginning of an interim so that the Subcommittee can start its work.

[SENATE MAJORITY LEADER]

Page 2

September 14, 2016

I hope that, as one of the appointing authorities, you will give favorable consideration to this request, when the time comes. As always, please feel free to contact me if the Subcommittee or I may be of assistance.

Sincerely,



Senator James A. Settelmeyer, Chair
Sunset Subcommittee of the
Legislative Commission

JAS/jc:W163302

cc: [SPEAKER OF THE ASSEMBLY]

draft

September 14, 2016

[SPEAKER OF THE ASSEMBLY]
Room 1101
Legislative Building
401 South Carson Street
Carson City, Nevada 89701-4747

Dear [ASSEMBLYMAN/ASSEMBLYWOMAN]:

The Sunset Subcommittee of the Legislative Commission, established pursuant to *Nevada Revised Statutes* (NRS) 232B.210, is required to review all boards, commissions, and similar entities created by the Nevada Legislature to determine whether each entity should be continued, modified, consolidated with another, or terminated with its functions transferred, as appropriate. In addition, NRS 232B.250 requires the Subcommittee to make its recommendations regarding boards and commissions by June 30 in even-numbered years.

Since the 2011–2012 Interim, the Subcommittee has reviewed 91 individual boards and commissions; three of those have come before the Subcommittee more than once in the short time the Subcommittee has existed. Thus far, the Subcommittee has recommended terminating 19 entities, including a number of advisory committees. It has also recommended modifications to 25 entities and consolidation of 2 licensing boards into one. This year, the Subcommittee has recommended consolidating two transportation-related authorities into one new executive department. Nevertheless, with a total of approximately 200 boards and commissions to review, the Subcommittee has considerable work ahead of it.

For that reason, the Subcommittee members voted at its June 16, 2016, work session to recommend statutory revisions to permit the Subcommittee to submit its recommendations by a date later than June 30. The members also voted to request that the appointing authorities, the Senate Majority Leader and the Speaker of the Assembly, designate the legislative members as soon as possible at the beginning of an interim so that the Subcommittee can start its work.

[SPEAKER OF THE ASSEMBLY]

Page 2

September 14, 2016

I hope that, as one of the appointing authorities, you will give favorable consideration to this request, when the time comes. As always, please feel free to contact me if the Subcommittee or I may be of assistance.

Sincerely,



Senator James A. Settelmeyer, Chair
Sunset Subcommittee of the
Legislative Commission

JAS/jc:W163303

cc: [SENATE MAJORITY LEADER]

draft

September 14, 2016

Angela Dykema, Director
Nevada Governor's Office of Energy
755 North Roop Street, Suite 202
Carson City, Nevada 89701-3115

Dear Director Dykema:

The Sunset Subcommittee of the Legislative Commission (*Nevada Revised Statutes* [NRS] 232B.210) has completed its work for the 2015–2016 Legislative Interim. Throughout this Interim, the Subcommittee considered several boards, commissions, and similar entities, established by acts of the Nevada Legislature. The Subcommittee is charged with determining whether those entities should be continued, modified, consolidated with another agency, or terminated. At the completion of each interim, pursuant to statute, the Subcommittee reports its recommendations to the Legislative Commission.

At its meeting on February 9, 2016, the Subcommittee reviewed the New Energy Industry Task Force (NRS 701.500), which had been inactive for several years. At that meeting, as representatives of Governor Brian Sandoval, you and Dale A.R. Erquiaga, Chief Strategy Officer, Office of the Governor, acknowledged that the Task Force, established in 2011, had not convened since 2013, upon completion of its previous goals and objectives. On behalf of Governor Sandoval, Mr. Erquiaga requested that the Subcommittee recommend continuation of the Task Force so that it could be reconvened with a new assignment.

The Subcommittee did indeed vote to recommend continuation of the Task Force at its meeting on February 23, 2016. At that time, the Subcommittee also voted to direct the Task Force to provide a report of its activities in 2016 to the Subcommittee and the Legislative Commission prior to the convening of the 79th Session of the Nevada Legislature.

I am aware that the Governor immediately issued Executive Order 2016-04, following the Subcommittee's vote to recommend continuation. I am also aware that the Task Force and several technical advisory committees have been meeting regularly in 2016. I am certain that I speak for the members of the Subcommittee when I state that we will be most interested in a report of the activities of the Task Force as well as any recommendations regarding new

Angela Dykema, Director

Page 2

September 14, 2016

energy industries in Nevada. Please submit this information to the Subcommittee staff by January 1, 2017, so that it will be available for consideration by the Legislature during the 79th Session.

Thank you for your attention to this request and for the assistance provided by members of the Governor's staff as the Subcommittee conducted its reviews and completed its work. As always, please do not hesitate to contact me if the Subcommittee or I may be of assistance.

Sincerely,



Senator James A. Settlemeyer, Chair
Sunset Subcommittee of the
Legislative Commission

JAS/jc:W163299

draft

September 14, 2016

Maggie Tracey, O.M.D.
President
State Board of Oriental Medicine
3191 East Warm Springs Road
Las Vegas, Nevada 89120-3147

Dear President Tracey:

The Sunset Subcommittee of the Legislative Commission (*Nevada Revised Statutes* [NRS] 232B.210) has completed its work for the 2015–2016 Legislative Interim. Throughout this Interim, the Subcommittee considered several boards, commissions, and similar entities established by acts of the Nevada Legislature. The Subcommittee is charged with determining whether those entities should be continued, modified, consolidated with another agency, or terminated. At the completion of each interim, pursuant to statute, the Subcommittee reports its recommendations to the Legislative Commission.

At its meeting on December 15, 2015, the Subcommittee reviewed the State Board of Oriental Medicine (NRS 634A.030). At that time, the Subcommittee members raised questions regarding the number of applicants licensed over the past six years, as well as the process of reciprocity with other states. The members also discussed enrollment of students in programs at Woung University of Oriental Medicine in Las Vegas and the projected number of graduates from that institution.

During the review and public comment, proposed Regulation LCB File No. R072-14 was discussed. The regulation proposes to require a student to complete a degree of Doctor of Oriental Medicine or Doctor of Acupuncture and Oriental Medicine and 4000 hours of instruction. The proposed rule would also establish an accreditation committee, which would recommend to the Board the approval of schools or colleges of Oriental medicine and annual approval of curricula.

At its meeting on June 16, 2016, the Subcommittee voted to recommend certain statutory revisions for inclusion in legislation to be considered by the 79th Session of the

Maggie Tracey, O.M.D.

Page 2

September 14, 2016

Nevada Legislature. These recommendation are available in the minutes of the June 16 meeting.

At that meeting, the members also voted to inform the Board that the Subcommittee recommends the Board withdraw the portions of LCB File No. R072-14 that impose the doctoral requirements. The Subcommittee will also inform the Legislative Commission of its opposition to those portions of the proposed regulation.

Thank you for the assistance provided by members of the staff of the State Board of Oriental Medicine as the Subcommittee conducted its reviews and completed its work. As always, please do not hesitate to contact me if the Subcommittee or I may be of assistance.

Sincerely,



Senator James A. Settlemeyer, Chair
Sunset Subcommittee of the
Legislative Commission

JAS/jc:W163301

cc: Senator Michael Roberson, Chair, Legislative Commission
Merle Lok, Executive Director, State Board of Oriental Medicine

APPENDIX E

Suggested Legislation

We cannot list the Committee's legislation until after it presents its report to the Legislative Commission for approval.

draft

APPOINTMENT OF MEMBERS TO NATIONAL CONFERENCE
OF COMMISSIONERS ON UNIFORM STATE LAWS

VI.C.

VI. C. Appointment of Members to the National Conference of Commissioners on Uniform State Laws (NRS 219.020)

NRS 219.020 Designation and function of Commissioners; National Conference of Commissioners on Uniform State Laws declared joint governmental agency; payment of annual dues.

1. Except as otherwise provided in this section and NRS 219.025, the Commissioners are:

- (a) The Legislative Counsel;
- (b) Two members of the faculty of the William S. Boyd School of Law of the University of Nevada, Las Vegas; and
- (c) Not more than four attorneys licensed to practice law in the State of Nevada appointed by the Legislative Commission.

2. The Legislative Commission shall appoint:

(a) Attorneys who are Legislators to fill the appointive positions created pursuant to paragraph (c) of subsection 1 if attorneys are available in the Legislature to fill those positions.

(b) Two members of the faculty of the William S. Boyd School of Law of the University of Nevada, Las Vegas, from a list submitted to the Legislative Commission by the Dean of the Law School. Each member so appointed serves for a term of 4 years.

3. The Legislative Counsel may appoint not more than two additional Commissioners from the attorneys employed by the Legislative Counsel Bureau, upon approval of the Legislative Commission.

4. The National Conference of Commissioners on Uniform State Laws is hereby declared to be a joint governmental agency of this State.

5. It is a function of the Commissioners to carry forward the participation of the State of Nevada in the National Conference of Commissioners on Uniform State Laws. Annual dues must be paid to that organization to the extent of legislative appropriation.

6. The Legislative Counsel shall notify the National Conference of Commissioners on Uniform State Laws whenever a Commissioner is appointed pursuant to this section.

[Part 1:42:1915; 1919 RL p. 3203; NCL § 6970] + [4:42:1915; 1919 RL p. 3203; NCL § 6973]—(NRS A 1961, 754; 1963, 1389; 1973, 1118; 1995, 352; 2005, 1357; 2011, 3256, 3674)

Two of the four attorney positions are currently vacant due to the resignations of Senator Greg Brower and Assemblyman Erv Nelson. The Legislators who are currently serving as Commissioners pursuant to this provision are Senator Aaron Ford and Assemblyman James Ohrenschall. **The Legislators appointed to the Commission must be attorneys licensed to practice law in the State of Nevada.** One or both vacancies may be filled at this time.

APPOINTMENT OF MEMBERS TO THE COMMISSION
ON ETHICS

VI.D.

VI. D. Appointment of Members to the Commission on Ethics (NRS 281A.200)

NRS 281A.200 Creation; appointment, terms and qualifications of members; prohibited activities by members; vacancies.

1. The Commission on Ethics, consisting of eight members, is hereby created.
2. The Legislative Commission shall appoint to the Commission four residents of the State, at least two of whom must be former public officers or employees, and at least one of whom must be an attorney licensed to practice law in this State.
3. The Governor shall appoint to the Commission four residents of the State, at least two of whom must be former public officers or employees, and at least one of whom must be an attorney licensed to practice law in this State.
4. Not more than four members of the Commission may be members of the same political party. Not more than four members of the Commission may be residents of the same county.
5. None of the members of the Commission may, while the member is serving on the Commission:
 - (a) Hold another public office;
 - (b) Be actively involved in the work of any political party or political campaign; or
 - (c) Communicate directly with a State Legislator or a member of a local legislative body on behalf of someone other than himself or herself or the Commission, for compensation, to influence:
 - (1) The State Legislator with regard to introducing or voting upon any matter or taking other legislative action; or
 - (2) The member of the local legislative body with regard to introducing or voting upon any ordinance or resolution, taking other legislative action or voting upon:
 - (I) The appropriation of public money;
 - (II) The issuance of a license or permit; or
 - (III) Any proposed subdivision of land or special exception or variance from zoning regulations.
6. After the initial terms, the terms of the members are 4 years. Any vacancy in the membership must be filled by the appropriate appointing authority for the unexpired term. Each member may serve no more than two consecutive full terms.
(Added to NRS by 1985, 2121; A 1991, 1594; 1999, 2731; 2009, 1048; 2013, 3766)—(Substituted in revision for NRS 281.455)

The Commission on Ethics has notified the Legislative Counsel Bureau of the resignations of former Senator Michael Schneider and former Assemblyman John Carpenter

The current appointees from the Legislative Commission are:

- 1) Dan Stewart – Clark County, Republican, Former Public Officer
- 2) Barbara Gruenewald – Washoe County, Democrat, Attorney

Based on the current makeup of the Governor's appointees to the Commission, the Legislative Commission must appoint 2 members who collectively meet the qualifications below:

- At least 1 must be a former public officer
- Not more than 1 may be a resident of Clark County
- Not more than 1 may be a registered Republican
- Not more than 1 may be a registered Democrat
- The appointees are not required to be attorneys but are not prohibited from being attorneys
- Both must meet the requirements in subsection 5 above.

