



NEVADA LEGISLATURE SUNSET SUBCOMMITTEE OF THE LEGISLATIVE COMMISSION

**Senate Bill 251, Section 8
(Chapter 480, *Statutes of Nevada* 2011)**

SUMMARY MINUTES AND ACTION REPORT

The first meeting of the Nevada Legislature's Sunset Subcommittee of the Legislative Commission was held on November 17, 2011, at 8:30 a.m. in Room 3138 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. A copy of this set of "Summary Minutes and Action Report," including the "Meeting Notice and Agenda" ([Exhibit A](#)) and other substantive exhibits, is available on the Nevada Legislature's website at <http://www.leg.state.nv.us/interim/76th2011/committee/>. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835).

COMMITTEE MEMBERS PRESENT IN CARSON CITY:

Senator Sheila Leslie, Chair
Senator James Settelmeyer
Barbara Smith Campbell
Frank Partlow

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Senator Ruben J. Kihuen
Assemblywoman Irene Bustamante Adams
Assemblywoman Maggie Carlton
Assemblyman Richard McArthur
David Goldwater

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Lorne J. Malkiewich, Director, Legislative Counsel Bureau (LCB)
Risa Lang, Chief Deputy Legislative Counsel, Legal Division
Scott Young, Principal Policy and Special Projects Analyst, Research Division
Marji Paslov Thomas, Principal Research Analyst, Research Division
Mike Chapman, Principal Deputy Fiscal Analyst, Fiscal Analysis Division
Jeanne Peyton, Secretary, Administrative Division

Senator Leslie called the meeting to order, welcomed members, presenters, and the public to the first meeting of the Sunset Subcommittee of the Legislative Commission.

PUBLIC COMMENT

- No one came forward under this item.

ELECTION OF CHAIR AND VICE CHAIR

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

ASSEMBLYWOMAN CARLTON MOVED TO NOMINATE SENATOR LESLIE AS CHAIR OF THE SUNSET SUBCOMMITTEE OF THE LEGISLATIVE COMMISSION. THE MOTION WAS SECONDED BY SENATOR SETTELMAYER AND PASSED.

ASSEMBLYWOMAN CARLTON MOVED TO NOMINATE ASSEMBLYWOMAN BUSTAMANTE ADAMS AS VICE CHAIR OF THE SUNSET SUBCOMMITTEE OF THE LEGISLATIVE COMMISSION. THE MOTION WAS SECONDED BY MS. SMITH CAMPBELL AND PASSED.

REVIEW OF REQUIREMENTS OF SENATE BILL 251

- Lorne J. Malkiewich, Director, LCB, provided a review of Senate Bill 251 (Chapter 480, *Statutes of Nevada* 2011). He noted that Section 8 of S.B. 251 created the Sunset Subcommittee of the Legislative Commission and its nine members. (Please see [Exhibit B](#)). Mr. Malkiewich noted that the bill sets forth that the Subcommittee shall:
 1. Elect a chair and a vice chair, one from each house of the Legislature. Each chair and vice chair shall hold office for a term of two years;
 2. Meet at the times and places specified by a call of the chair; and five members constitute a quorum; and
 3. Conduct a review of each board and commission, which is not provided for in the *Nevada Constitution* or established by executive order of the Governor to determine whether the board or commission shall be terminated, modified, consolidated with another board or commission, or continued.

Mr. Malkiewich referred to the list titled “Nevada State Government Boards, Commissions, and Similar Entities,” dated November 9, 2011, and explained that this was the first attempt to compile a list of the boards and commissions that are not in the *Nevada Constitution* or established by executive order ([Exhibit C](#)). He noted that

the Subcommittee is required to evaluate not less than 20 boards and commissions each year and the review must include:

1. An assessment of the major policies and programs of the board or commission, including without limitation, examination of other programs or services offered in the State to determine if any other programs duplicate those offered by the board or commission;
2. Recommendations for improving the policies and programs; and
3. 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. (Please see [Exhibit B.](#))

Mr. Malkiewich stated that it should take approximately 10 years to review the 169 boards and commissions listed if no more than 20 are completed each year. He explained that once the 20 entities are selected for review, each board and commission would be sent a form prescribed by the Subcommittee to complete. The form shall include the information listed in Section 10 of S.B. 251. (Please see [Exhibit D.](#))

Continuing, Mr. Malkiewich explained that Section 11 of S.B. 251 provides that the Subcommittee shall conduct public hearings for the purpose of obtaining comments on, and may require the LCB to submit reports on, the need for the termination, modification, consolidation, or continued operation of a board or commission.

In conclusion, Mr. Malkiewich stated that Section 12 of S.B. 251 provides that on or before June 30, 2012, the Subcommittee shall make any recommendations, which must include suggestions for appropriate legislative action.

Responding to a question posed by Assemblyman McArthur regarding if it is required that the boards and commissions be reviewed in a calendar year or a fiscal year, Mr. Malkiewich said the review was to be conducted on a calendar year basis. He indicated that: (1) at the beginning of calendar year 2012, the first set of boards and commissions would be reviewed. The Subcommittee is required to make all its initial recommendations on or before June 30, 2012; (2) the second group of at least 20 boards and commissions will be reviewed following the 2013 Session; and (3) the third group of at least 20 boards and commissions would be reviewed at the beginning of calendar year 2014. The recommendations by the Subcommittee for the second and third groups shall be completed no later than June 30, 2014.

- Mr. Partlow clarified that the Subcommittee is not limited to reviewing 20 boards and commissions, but the language of the bill requires that not less than 20 boards be reviewed in a calendar year.

SELECTION OF BOARDS AND COMMISSIONS FOR INITIAL REVIEW

- Mr. Malkiewich explained the list of Boards and Commissions ([Exhibit C](#)) is organized in the same format as the Directory of State and Local Governments and each board or commission has been placed under the entity with which it is associated.

Responding to a question posed by Ms. Smith Campbell regarding the status of the Board for Child Care (page 12, [Exhibit C](#)), Marji Paslov Thomas, Principal Research Analyst, Research Division, LCB, stated that staff of the Department of Health and Human Services indicated that due to its reorganization following the 2011 Session, the Board for Child Care is presently inactive.

- Chair Leslie urged the Subcommittee to choose from a variety of entities and to include a mix of major and minor organizations.

Subsequent to Subcommittee discussion, the following boards, commissions and similar entities were recommended for review. For reference, the page numbers are listed next to each board or commission. (Please see [Exhibit C](#).)

- Senator Settlemeyer:
 1. Pharmacy and Therapeutics Committee (page 13).
- Assemblywoman Carlton:
 1. Commission on Postsecondary Education (page 3);
 2. State Grazing Board (page 4);
 3. Garlic and Onion Growers' Advisory Board (page 4);
 4. Alfalfa Seed Advisory Board (page 4); and
 5. Public Employees' Retirement Board (page 17).
- Assemblywoman Bustamante Adams:
 1. Committee on Health Benefit Plans (page 6); and
 2. Board of Wildlife Commissioners (page 16).
- Mr. Partlow:
 1. Advisory Council on Parental Involvement and Family Engagement (page 4);
 2. Credit Union Advisory Council (page 6);
 3. Advisory Board on Natural Resources (page 8);
 4. Well Drillers' Advisory Board (page 9);
 5. Information Technology Advisory Board (page 14);
 6. Merit Award Board (page 14);
 7. Police and Firefighters' Retirement Fund Advisory Committee (page 17);

8. State Advisory Board of Trustees for the Trust Relating to the Fairground (page 20); and
 9. Board for the Regulation of Liquefied Petroleum Gas (page 24).
- David Goldwater:
 1. Advisory Council on Mortgage Investments and Mortgage Lending (page 7);
 2. Commission on Sports (page 21); and
 3. Commission on Ethics (page 20).
 - Chair Leslie suggested that the Subcommittee consider adding some of the licensing boards to the list for the first review. The following licensing boards were recommended by Subcommittee members:
 - Senator Settlemeyer:
 1. State Barbers' Health and Sanitation Board (page 22).
 - Assemblywoman Carlton:
 1. State Board of Oriental Medicine (page 24);
 2. Nevada State Funeral Board (page 23); and
 3. Nevada State Board of Veterinary Medical Examiners (page 25).

Assemblywoman Carlton added that the following two boards contacted her requesting to be reviewed:

 1. State Board of Osteopathic Medicine (page 24); and
 2. State Board of Nursing (page 24).
 - Assemblyman McArthur:
 1. Nevada Athletic Commission (page 6); and
 2. Board of Athletic Trainers (page 22).

PUBLIC COMMENT

(As directed by Chair Leslie this agenda item was taken out of order.

- K. Neena Laxalt, Government Relations Consultant, representing the Nevada State Board of Veterinary Medical Examiners, the Nevada Propane Gas Association, and various natural resources entities, noted that during the 2011 Session, many of the boards and commissions worked with the Legislature in support of S.B. 251.

- Mr. Malkiewich indicated that on page 13 of [Exhibit C](#), the Board of Trustees of the Trust Fund for Public Health was repealed during the 2011 Session and is inactive. He pointed out that the list titled, “Nevada State Government Boards, Commissions and Similar Entities” ([Exhibit C](#)) is a first draft and will be updated as changes are determined.
- Chair Leslie requested that during the second round of discussion, the Subcommittee should focus on the areas that were not yet selected.
- Chair Leslie began the second review of the list ([Exhibit C](#)) and the additional boards and commissions were recommended for review:
- Ms. Bustamante Adams:
 1. Executive Branch Audit Committee (page 2).

Discussion ensued among Subcommittee members regarding the possibility of combining certain boards or creating subcommittees within existing boards or commissions.

- Assemblywoman Carlton:
 1. State Board of Agriculture (page 4).

In response to a question posed by Mr. Partlow about the Board for Administration of Subsequent Injury Account for Associations of Self-Insured Public or Private Employers and the Board for Administration of Subsequent Injury Account for Self-Insured Employers, Ms. Paslov Thomas, indicated that they are two separate boards. She indicated that one deals with public or private employers, while the other works with self-insured employers.

- Scott Young, Principal Policy and Special Projects Analyst, Research Division, LCB, explained that the two boards mentioned by Mr. Partlow are workers’ compensation boards. He noted that one board is specifically for self-insured employers (i.e., casinos, construction companies), and the other is a fund administered for self-insured public entities such as counties and cities. Mr. Young further explained that it would not be feasible to combine the two boards because of their separate money sources and differences in clients.

Responding to a question posed by Mr. Partlow regarding the Grants Management Advisory Committee, Chair Leslie explained that the new Grants Management office under the Office of the Governor, works to identify and write grants; and the Advisory Committee oversees requests for grants.

- Chair Leslie recommended adding the:

1. Advisory Council on the State Program for Fitness and Wellness (page 13).

- Mr. Malkiewich clarified that the Subcommittee did not have to limit the review to 20 boards and commissions. He explained that any of the boards and commissions identified, which cannot be examined prior to June 2012, can be scheduled for review following the 2013 Session.

Following Subcommittee discussion, it was determined that an entity that has not meet for several years should be placed on the agenda for the first review.

- Assemblywoman Carlton amended her earlier recommendation, and requested removing the Public Employees' Retirement Board and adding the Board of the Public Employees' Benefits Program.

Responding to Chair Leslie regarding the total of boards and commissions selected by the Subcommittee, Mr. Malkiewich noted that there are 35. He suggested scheduling similar entities for review at the same meeting.

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

ASSEMBLYWOMAN CARLTON MOVED TO APPROVE THE BOARDS, COMMISSIONS, AND OTHER ENTITIES SELECTED BY THE SUBCOMMITTEE. THE MOTION WAS SECONDED BY BARBARA SMITH CAMPBELL AND PASSED.

APPROVAL OF FORM FOR BOARDS AND COMMISSIONS TO SUBMIT INFORMATION TO THE SUBCOMMITTEE

- Lorne Malkiewich, Director, LCB, directed the Subcommittee to the form titled "Information concerning Board or Commission Subject to Review by the Sunset Subcommittee of the Legislative Commission. (Please see [Exhibit D.](#)) The form will be sent to the 35 entities chosen by the Subcommittee for review, explained Mr. Malkiewich. Continuing, he noted that each entity is required to provide the information requested on the form to the Subcommittee. Mr. Malkiewich explained that the form codifies Section 10 of S.B. 251. He noted that there is also a requirement to include exemptions, abatements, and other sources of revenue, and recommendations for statutory changes which are necessary for the board or commission to carry out its programs and objectives.

He noted that the form would be revised with any changes made by the Subcommittee prior to mailing it out to the entities.

- Ms. Smith Campbell suggested that the LCB provide an impartial view of similarities or duplications among the various boards and commissions, where there might be an opportunity for consolidation.

Responding to Chair Leslie regarding when LCB staff could provide additional information on the various boards and commissions, Ms. Smith Campbell noted that an analysis could be done by LCB staff after the information is received from the boards and commissions.

- Mr. Malkiewich added that S.B. 251 authorizes the Subcommittee to direct the LCB to provide analysis.

Subcommittee discussion ensued and the following items were suggested for inclusion in the form:

1. Information on income, expenses and reserves.
 2. Minutes of its meetings.
 3. The citations to the *Nevada Administrative Code* sections that were adopted by the board or commission.
 4. Include a copy of any legislative audit that is available for the board or commission.
 5. If any civil or criminal actions were taken by or against the board.
 6. Whether the website of the board or commission was created and approved by the Department of Information Technology (DOIT) or was it designed outside the State and consequently is not compatible with the State's system.
- Mr. Malkiewich said the form ([Exhibit D](#)) would be revised, incorporating the suggestions made by the Subcommittee prior to sending it out to the entities. He outlined the items to be revised or included on the form as follows:
 1. Possible consolidation of the entity.
 2. Information regarding revenue received from abatements or exemptions.
 3. Citation of Nevada Administrative Code regulations the entity has adopted and the authority under which those regulations were adopted.
 4. Minutes for the past year.
 5. Recent audits conducted by the board or commission should include any legislative audits.
 6. Indicate whether the entity's website: (a) was created through DOIT or outside the State; and (b) has been approved by DOIT and is it compatible to the State's system.
 - The Subcommittee **APPROVED THE FOLLOWING ACTION:**

SENATOR SETTELMAYER MOVED TO HAVE STAFF REVISE THE FORM TO INCLUDE THE ITEMS RECOMMENDED BY THE SUBCOMMITTEE. THE MOTION WAS SECONDED BY MR. PARTLOW AND PASSED.

DISCUSSION OF SCHEDULE AND SCHEDULING OF FUTURE MEETINGS

Mr. Malkiewich noted that the first step is to revise the form to be sent out to the agencies. He explained that the agencies would need some time to compile the information requested. Mr. Malkiewich suggested scheduling the next meeting in February 2012 and to plan a meeting once a month thereafter. He further recommended including in the next meeting a few entities to review and a schedule for review of the remainder of agencies to ensure that at least 20 agencies have been reviewed by June 2012.

Chair Leslie designated LCB staff to coordinate scheduling the next meeting of the Subcommittee.

PUBLIC COMMENT

There was no additional public comment.

ADJOURNMENT

- There being no further business to come before the Subcommittee, the meeting was adjourned at 10 a.m.

Respectfully submitted,

Jeanne Peyton
Secretary

Lorne J. Malkiewich
Director, Legislative Counsel Bureau

APPROVED BY:

Assemblywoman Irene Bustamante Adams, Vice Chair

Date: _____

LIST OF EXHIBITS

[Exhibit A](#) is the “Meeting Notice and Agenda” provided by Lorne J. Malkiewich, Director, Legislative Counsel Bureau (LCB).

[Exhibit B](#) is a copy of Senate Bill 251 (Chapter 480, *Statutes of Nevada* 2011), provided by Lorne J. Malkiewich, Director, LCB.

[Exhibit C](#) is a list titled “Nevada State Government Boards, Commissions, and Similar Entities,” dated November 9, 2011, provided by Marji Paslov Thomas, Principal Research Analyst, Research Division, LCB.

[Exhibit D](#) is a form titled “Information concerning Board or Commission Subject to Review by the Sunset Subcommittee of the Legislative Commission,” submitted by Lorne J. Malkiewich, LCB.

This set of “Summary Minutes and Action Report” is supplied as an informational service. Exhibits in electronic format may not be complete. Copies of the complete exhibits, other materials distributed at the meeting, and the audio record are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library online at www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm or telephone: 775/684-6827.