

MEETING NOTICE AND AGENDA

Name of Organization: Legislative Commission (NRS 218E.150)

Date and Time of Meeting: Monday, December 28, 2020
1:30 p.m.

Place of Meeting: Pursuant to Sections 2 to 9, inclusive, of chapter 2, Statutes of Nevada 2020, 32nd Special Session, at pages 9-11, there will be no physical location for this meeting. The meeting can be listened to or viewed live over the Internet. The address for the Nevada Legislature's website is <http://www.leg.state.nv.us>. Click on the link "[Calendar of Meetings-View.](#)"

We are pleased to make reasonable accommodations for members of the public with a disability. If accommodations for the meeting are necessary, please notify Jordan Haas, Commission Secretary, at (775) 684-6830 or jordan.haas@lcb.state.nv.us, as soon as possible.

Please provide the meeting secretary by email (at jordan.haas@lcb.state.nv.us) or facsimile (at (775) 684-6761) or mail (401 S. Carson Street, Carson City, NV 89701) testimony and visual presentations if you wish to have complete versions included as exhibits with the minutes.

AGENDA

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. Opening Remarks

II. Public Comment

Public testimony under this item may be presented by phone or written comment. Because of time considerations, each caller offering testimony during this period for public comment will be limited to not more than 2 minutes. 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 by email (at jordan.haas@lcb.state.nv.us) or facsimile (at (775) 684-6761) or mail (401 S. Carson Street, Carson City, NV 89701) before, during or after the meeting.

To dial in to provide testimony during this period of public comment in the meeting, any time after 1:00 p.m. on Monday, December 28, 2020:

Dial: (669) 900-6833

When prompted to provide your Meeting ID, please enter: 974 9616 7016 then press #

When prompted for a Participant ID, please enter #

To resolve any issues related to dialing in to provide public comment for this meeting, please call (775) 684-6990.

*For
Possible
Action*

III. Appointment to Legislative Commission to Replace Non-returning Assemblyman Pursuant to NRS 218E.150(4) and Joint Standing Rule No. 11(3).

*For
Possible
Action*

IV. Approval of the Minutes of the Meeting Held on October 29, 2020

*For
Possible
Action*

V. Legislative Commission Policy
Bryan J. Fernley, Legislative Counsel

A. Request by Housing Division of the Department of Business and Industry to Continue a Regulation Not Adopted Within 2 Years After Submission to the Legislative Counsel (NRS 233B.040)

R146-18: Relating to certain fees for licenses, certificates, labels and permits for providing other services

Access text of regulation electronically at:

http://www.leg.state.nv.us/Register/IndexesRegsReviewed/LCMtg_List_2020_Dec28_R146-18.pdf

B. Early Review of Administrative Regulations Submitted Pursuant to NRS 233B.0681

R079-20: Relating to measuring standards and weighing and measuring devices.

Access text of regulation electronically at:

http://www.leg.state.nv.us/Register/IndexesRegsReviewed/LCMtg_List_2020_Dec28_R079-20.pdf

C. Review of Administrative Regulations Submitted Pursuant to NRS 233B.067

Please see attached list of regulations to be considered or access list electronically at:

http://www.leg.state.nv.us/Register/IndexesRegsReviewed/LCMtg_List_2020_DEC28.pdf

(The text of the regulations included under this agenda item is hyperlinked to the electronic version of this agenda posted on the Nevada Legislature website. Please contact the Legal Division of the Legislative Counsel Bureau at (775) 684-6830 for a hard copy of the text of the regulations)

*For
Possible
Action*

VI. Appointment of Member to the Clark Regional Behavioral Health Policy Board to Replace Non-returning Assemblywoman Pursuant to NRS 433.429(2)(d)

*For
Possible
Action*

VII. Litigation

Report Regarding Litigation
Kevin C. Powers, General Counsel

A. *Morency v. State of Nevada*, Case No. 81281, Nevada Supreme Court

B. *Settemeyer v. State of Nevada*, Case No. 19-OC-00127-1B, First Judicial District Court, Carson City

C. *Legislature of the State of Nevada v. Settemeyer, et al.*, Case No. 81924, Nevada Supreme Court

D. *Nevada Policy Research Institute v. Cannizzaro, et al.*, Case No. A-20-817757-C, Eighth Judicial District Court, Clark County

E. *Lander County v. State of Nevada*, Case No. 20-OC-00116-1B, First Judicial District Court, Carson City, consolidated with *Nevada Gold Mines, LLC v. State of Nevada*, Case No 20-OC-00147-1B, First Judicial District Court, Carson City

F. *Charleston v. State of Nevada*, Case No. 19-17423, United States Ninth Circuit Court of Appeals

*For
Possible
Action*

VIII. Legislative Audit

A. The Federation of State Medical Boards of the United States, Inc.

Performance Audit of the Nevada State Board of Medical Examiners
Shannon Riedel, Chief Deputy Legislative Auditor
Lisa A. Robin, Chief Advocacy Officer, Federation of State Medical Boards
Kevin Bohnenblust, Executive Director, Wyoming Board of Medicine

*For
Possible
Action*

IX. Proposed Amendment to Rule No. 28 of the Rules and Policies of the Legislative Counsel Bureau
Brenda J. Erdoes, Director

*For
Possible
Action*

X. Presentation of Legislative Counsel Bureau Annual Financial Report
Dan Rushin, Chief Financial Officer

*For
Possible
Action*

XI. Approval to Transmit Budget for the Legislative Counsel Bureau and Interim Nevada Legislature to Office of Finance
Brenda J. Erdoes, Director
Dan Rushin, Chief Financial Officer

XII. Public Comment

Public testimony under this item may be presented by phone or written comment. Because of time considerations, each caller offering testimony during this period for public comment will be limited to not more than 2 minutes. 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 by email (at jordan.haas@lcb.state.nv.us) or facsimile (at (775) 684-6761) or mail (401 S. Carson Street, Carson City, NV 89701) before, during or after the meeting.

To dial in to provide testimony during this period of public comment in the meeting, *any time after the Chair announces this second period of public comment* on Monday, December 28, 2020:

Dial: (669) 900-6833

When prompted to provide your Meeting ID, please enter: 974 9616 7016 then press #

When prompted for a Participant ID, please enter: #

To resolve any issues related to dialing in to provide public comment for this meeting, please call (775) 684-6990.

XIII. Adjournment

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 members of the Commission for this meeting may be requested from Jordan Haas of the Legal Division of the Legislative Counsel Bureau at (775) 684-6830 or by email at jordan.haas@lcb.state.nv.us. Any such material will be made available at the Nevada Legislature's website at www.leg.state.nv.us.

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

December 28, 2020

REGULATIONS SUBMITTED PURSUANT TO NRS 233B.067:		
LCB NO.	NAC	AGENCY/ SUBJECT
2018 REGULATIONS		
R146-18	461/489	HOUSING DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY A REGULATION increasing certain fees for licenses, certificates, labels and permits for providing other services CONTACT Tim Whitright (702) 486-7259 twhitright@housing.nv.gov
2019 REGULATIONS		
R009-19	630	BOARD OF MEDICAL EXAMINERS A REGULATION establishing provisions relating to the licensure of practitioners of respiratory care CONTACT Sarah Bradley (775) 324-9365 bradleys@medboard.nv.gov
R010-19	630	BOARD OF MEDICAL EXAMINERS A REGULATION establishing provisions relating to licensure as a perfusionist CONTACT Sarah Bradley (775) 324-9365 bradleys@medboard.nv.gov
R048-19	385B	NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION A REGULATION amending provisions relating to appeals of forfeiture for playing an ineligible player CONTACT Paul Anderson (775) 827-2000 x 139 panderson@mcllawfirm.com
R049-19	385B	NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION A REGULATION amending provisions governing the minimum amount of practice for a pupil CONTACT Paul Anderson (775) 827-2000 x 139 panderson@mcllawfirm.com

R086-19	630	<p>BOARD OF MEDICAL EXAMINERS</p> <p>A REGULATION revising provisions relating to continuing education courses on geriatrics and gerontology, Alzheimer's disease or other forms of dementia or rare diseases</p> <p>CONTACT Sarah Bradley (775) 324-9365 bradleys@medboard.nv.gov</p>
R088-19	480	<p>NEVADA OFFICE OF CYBER DEFENSE COORDINATION OF THE DEPARTMENT OF PUBLIC SAFETY</p> <p>A REGULATION establishing requirements for cybersecurity incident response plans</p> <p>CONTACT Shaun Rahmeyer (775) 460-0288 srahmeyer@dps.state.nv.us</p>
R123-19	284	<p>PERSONNEL COMMISSION</p> <p>A REGULATION requiring employees carrying a concealed firearm during the performance of their job to notify the employer</p> <p>CONTACT Michelle Garton (775) 684-0136 mgarton@admin.nv.gov</p>
R126-19	445A/445B/459	<p>STATE ENVIRONMENTAL COMMISSION</p> <p>A REGULATION revising provisions relating to certifications issued under the water pollution control law</p> <p>CONTACT Jennifer Carr (775) 687-9302 jcarr@ndep.nv.gov</p>
2020 REGULATIONS		
R036-20	604C	<p>DIVISION OF FINANCIAL INSTITUTIONS</p> <p>A REGULATION revising provisions relating to consumer litigation funding pursuant to S.B. 432 (2019)</p> <p>CONTACT Mary Young (702) 486-6731 mmyoung@fid.state.nv.us</p>
R037-20	604A	<p>DIVISION OF FINANCIAL INSTITUTIONS</p> <p>A REGULATION establishing provisions governing certain loans and loan databases</p> <p>CONTACT Mary Young (702) 486-6731 mmyoung@fid.state.nv.us</p>
R043-20	457/459/653	<p>STATE BOARD OF HEALTH</p> <p>A REGULATION revising provisions relating to radiation producing machines</p> <p>CONTACT John Follette (775) 684-5850 jfollette@health.nv.gov</p>

R046-20	392/394/432A/441A	STATE BOARD OF HEALTH A REGULATION revising provisions relating to immunizations CONTACT Shannon Bennett (775) 684-5850 sbennett@health.nv.gov
R055-20	623A	STATE BOARD OF LANDSCAPE ARCHITECTURE A REGULATION revising provisions relating to the schedule of fees and complaints CONTACT Ellis Antunez (775) 971-4410 LandscapeBoard@nsbla.nv.gov
R060-20	645	REAL ESTATE COMMISSION A REGULATION revising provisions relating to continuing education and licensure CONTACT Teralyn Lewis (702) 486-4036 teralyn.lewis@red.nv.gov
R068-20	534	STATE ENGINEER A REGULATION revising provisions relating to underground water and wells CONTACT Shannon McDaniel (775) 684-2842 smcdaniel@water.nv.gov
R080-20	590	STATE BOARD OF AGRICULTURE A REGULATION revising provisions relating to motor vehicle fuel CONTACT Cadence Matijevich (775) 353-3726 c.matijevich@agri.nv.gov
R081-20	590	STATE SEALER OF CONSUMER EQUITABILITY A REGULATION revising provisions relating to violations and penalties CONTACT Cadence Matijevich (775) 353-3726 c.matijevich@agri.nv.gov
R083-20	453/639	STATE BOARD OF PHARMACY A REGULATION revising provisions relating to electronic prescriptions for controlled substances CONTACT Shirley Hunting (775) 850-1440 shunting@pharmacy.nv.gov
R087-20	686A	COMMISSIONER OF INSURANCE A REGULATION establishing provisions governing the use of information from a consumer credit report CONTACT Nick Stosic (775) 721-9494 nstosic@doi.nv.gov

R090-20	453	<p>STATE BOARD OF PHARMACY</p> <p>A REGULATION removing certain substances to the controlled substances listed in Schedule I and V</p> <p>CONTACT Shirley Hunting (775) 850-1440 shunting@pharmacy.nv.gov</p>
R092-20	638	<p>NEVADA STATE BOARD OF VETERINARY MEDICAL EXAMINERS</p> <p>A REGULATION establishing provisions governing interns and externs</p> <p>CONTACT Jennifer Pedigo (775) 688-1788 vetbdinfo@vetboard.nv.gov</p>
R097-20	598B	<p>DIVISION OF FINANCIAL INSTITUTIONS</p> <p>A REGULATION revising provisions relating to equal opportunity for credit</p> <p>CONTACT Mary Young (702) 486-6731 mmyoung@fid.state.nv.us</p>
R123-20	407	<p>ADMINISTRATOR OF THE DIVISION OF STATE PARKS OF THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES</p> <p>A REGULATION revising various provisions relating to Nevada State Parks</p> <p>CONTACT Robert Mergell (775) 684-2776 Cheryl Fretwell (775) 684-2776 cfretwell@parks.nv.gov</p>
R127-20	686B	<p>COMMISSIONER OF INSURANCE</p> <p>A REGULATION establishing a rate review of filed rates for health plans not subject to Patient Protection and Affordable Care Act</p> <p>CONTACT Nick Stosic (775) 721-9494 nstosic@doi.nv.gov</p>
R160-20	612	<p>ADMINISTRATOR OF THE DIVISION OF EMPLOYMENT SECURITY OF THE DEPARTMENT OF EMPLOYMENT, TRAINING AND REHABILITATION</p> <p>A REGULATION revising provisions relating to employing units</p> <p>CONTACT Stewart Terry (775) 684-3902 stewart.terry@detr.nv.gov</p>

R161-20	612	ADMINISTRATOR OF THE DIVISION OF EMPLOYMENT SECURITY OF THE DEPARTMENT OF EMPLOYMENT, TRAINING AND REHABILITATION A REGULATION revising provisions relating to unemployment compensation rate schedule CONTACT Stewart Terry (775) 684-3902 stewart.terry@detr.nv.gov
REQUEST TO CONTINUE A REGULATION NOT ADOPTED WITHIN TWO YEARS OF SUBMISSION TO LEGISLATIVE COUNSEL PURSUANT TO NRS 233B.040		
LCB NO.	NAC	AGENCY/ SUBJECT
R146-18	461/489	HOUSING DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY A REGULATION increasing certain fees for licenses, certificates, labels and permits for providing other services CONTACT Tim Whitright (702) 486-7259 twhitright@housing.nv.gov
REGULATIONS SUBMITTED FOR EARLY REVIEW PURSUANT TO NRS 233B.0681		
LCB NO.	NAC	AGENCY/ SUBJECT
R079-20	581/582	STATE SEALER OF CONSUMER EQUITABILITY A REGULATION revising provisions relating to measurement standards and weighing and measuring devices CONTACT Cadence Matijevich (775) 353-3726 c.matijevich@agri.nv.gov