

MEETING NOTICE AND AGENDA

Name of Organization: Sunset Subcommittee of the Legislative Commission
(*Nevada Revised Statutes* [NRS] 232B.210)

Date and Time of Meeting: Tuesday, February 9, 2016
1 p.m.

Place of Meeting: Legislative Building, Room 3137
401 South Carson Street
Carson City, Nevada

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

Grant Sawyer State Office Building, Room 4401
555 East Washington Avenue
Las Vegas, 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](#)."

<p>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.</p>
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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
Senator James A. Settelmeyer, Chair

II. Public Comment
(Because of time considerations, each speaker offering comments during the period for public comment will be limited to not more than 3 minutes. 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 Meeting Held on December 15, 2015, in Carson City, Nevada

*For
Possible
Action*

IV. Selection of Boards, Commissions, and Similar Entities for Review
Carol M. Stonefield, Chief Principal Research Analyst,
Research Division, Legislative Counsel Bureau (LCB)

A. State Board of Education (NRS 385.021)

B. Committee on Anatomical Dissection (NRS 451.360), Nevada System of Higher Education

*For
Possible
Action*

V. Public Hearing Concerning the Termination, Modification, Consolidation, or Continued Operation of Certain Entities Pursuant to NRS 232B.240

A. Taxicab Authority (NRS 232.510 and 706.8818), Department of Business and Industry

B. Nevada Transportation Authority (NRS 232.510 and 706.1511), Department of Business and Industry

C. Executive Branch Audit Committee (NRS 353A.038), Division of Internal Audits, Department of Administration

D. Public Utilities Commission of Nevada (NRS 703.020)

E. New Energy Industry Task Force (NRS 701.500), Office of Energy, Office of the Governor

*For
Possible
Action*

VI. Work Session—Discussion and Possible Actions on Recommendations Relating to:

A. 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)

B. Nevada State Board of Optometry (NRS 636.030)

C. Board of Dispensing Opticians (NRS 637.030)

D. Board of Dental Examiners of Nevada (NRS 631.120)

The “Work Session Document” is attached below and contains recommendations proposed at this and other meetings of the Sunset Subcommittee of the Legislative Commission during the 2015–2016 Legislative Interim. The document is also available on the Subcommittee’s webpage, [Sunset Subcommittee of the Legislative Commission \(NRS 232B.210\)](#), or a written copy may be obtained by contacting Carol M. Stonefield, Chief Principal Research Analyst, Research Division, LCB, at (775) 684-6825.

VII. Informational Items—Status Reports on Entities Reviewed During the 2013–2014 Interim

A. 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

B. State Predatory Animal and Rodent Committee (NRS 567.020), State Department of Agriculture

C. Board for the Education and Counseling of Displaced Homemakers (NRS 388.615), Department of Employment, Training and Rehabilitation

VIII. Public Comment

(Because of time considerations, each speaker offering comments during the period for public comment will be limited to not more than 3 minutes. 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 Research Division of the Legislative Counsel Bureau, in writing, at the Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747, or call the Research Division at (775) 684-6825 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 Committee members for this meeting may be requested from Janet Coons, Committee Secretary, Research Division of the Legislative Counsel Bureau at (775) 684-6825 and is/will be available at the following locations: Meeting locations and the Nevada Legislature's website at www.leg.state.nv.us.

Sunset Subcommittee of the Legislative Commission
(Nevada Revised Statutes 232B.210)

**WORK SESSION
DOCUMENT**



February 9, 2016

Prepared by the Research Division
Legislative Counsel Bureau



WORK SESSION DOCUMENT

Sunset Subcommittee of the Legislative Commission
(*Nevada Revised Statutes* [NRS] 232B.210)

February 9, 2016

The following “Work Session Document” has been prepared by the Chair and staff of the Sunset Committee of the Legislative Commission (NRS 232B.210). It is designed to assist the Subcommittee members in determining whether to recommend a board or commission be terminated, modified, consolidated with another agency, or continued. The recommendations contained herein do not necessarily have the support or opposition of the Subcommittee. Rather, these possible actions are compiled and organized so the members may review them to decide whether they should be adopted, changed, rejected, or further considered. They are not preferentially ordered.

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

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

**RECOMMENDATIONS RELATING TO TERMINATING, CONTINUING,
MODIFYING, OR CONSOLIDATING BOARDS AND COMMISSIONS**

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)

The Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court Justices, Judges of the Court of Appeals, District Judges and Elected County Officers was created in 1993 for the purpose of reviewing salaries and other compensation of certain elected officials. Pursuant to statute, the Commission is to review compensation paid to officials; hold public hearings; compare salaries of persons with similar qualifications who are employed by the State of Nevada and in the public sector; determine minimum salaries required to attract and retain experienced and competent persons; and review the service and workload of legislators during legislative sessions and interims. The Commission met during the 1993–1994 Interim and reported its findings and recommendations to the Legislature in 1995.

At the December 15, 2015, meeting, the Subcommittee was informed that no records exist to indicate that the Commission has been active since 1995. The Governor is authorized to appoint three of the nine members; his office confirms that it considers the Commission to be inactive.

Should the Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court Justices, Judges of the Court of Appeals, District Judges and Elected County Officers be terminated or continued?

If the Subcommittee recommends terminating the Commission, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Commission should continue:

- *Does the Subcommittee want to recommend any changes concerning the Commission?*
- *Does the Subcommittee want to recommend any changes to the duties of the Commission?*

2. Nevada State Board of Optometry (NRS 636.030)

The Nevada State Board of Optometry was established in 1955, although an act to regulate the practice of optometry was enacted in 1903 and a board of examiners was provided by legislation in 1913. The Board is authorized to adopt rules and regulations, conduct examinations, issue licenses, discipline licensees, establish fees, and accredit schools of optometry.

The Subcommittee considered the Board at its meeting on December 15, 2015. Members of the Subcommittee and representatives of the Board discussed the number of licensees, the number of Board members, and the handling of potential discipline cases.

Board representatives did not have any recommendations for revisions to statutes governing the operations of the Board. The Board indicated that “consolidation with another board would decrease its ability to protect the public health.”

Should the Nevada State Board of Optometry be terminated or continued?

If the Subcommittee recommends terminating the Board, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Board should continue:

- *Does the Subcommittee want to recommend any changes concerning the Board?*
- *Does the Subcommittee want to recommend any changes to the duties of the Board?*

3. Board of Dispensing Opticians (NRS 637.030)

The Board of Dispensing Opticians was established in 1913 when a board of examiners was appointed. An act to regulate the practice of dispensing opticians was passed in 1951. The Board is authorized to adopt rules and regulations to carry out the provisions of Chapter 637 (“Dispensing Opticians”) of NRS, issue licenses, establish requirements for apprenticeship programs, discipline licensees, set fees, and adopt regulations for standards for optical devices.

At its meeting on December 15, 2015, the Subcommittee considered the Board. Discussion between the members of the Subcommittee and representatives of the Board included the number of professionals holding dual licenses from this Board and the Nevada State Board of Optometry, continuing education requirements, and the handling of complaints and regulations regarding contact lenses. In addition, discussion included whether opticians should be overseen by optometrists or whether the two Boards could be merged.

Representatives of the Board requested to maintain their independence. In documents submitted for review by the Subcommittee, the Board indicated that the different types of eye care professionals deal with various and discrete aspects of eye care. Education and training requirements vary. It was the view of the Board that consolidation with one or more other boards would not be effective. Further, the Board had no recommendations for revisions to the statutes governing the operations of the Board.

Should the Board of Dispensing Opticians be terminated or continued?

If the Subcommittee recommends terminating the Board, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Board should continue:

- *Does the Subcommittee want to recommend any changes concerning the Board?*
- *Does the Subcommittee want to recommend any changes to the duties of the Board?*

4. Board of Dental Examiners of Nevada (NRS 631.120)

The first Board of Dental Examiners of Nevada was established in 1895. The Nevada Dental Act, enacted in 1951, made various changes to the Board and the practice of dentistry. The Board currently consists of 11 members appointed by the Governor. Three members must be dental hygienists, who, along with one dentist, comprise the Committee on Dental Hygiene (NRS 631.205).

The Board is authorized to adopt rules and regulations for the implementation of Chapter 631 (“Dentistry and Dental Hygiene”) of NRS, examine and license applicants, discipline licensees, and set fees. The Board also conducts infection control audits and site inspections, approves public health programs for special health endorsements, and issues advisory opinions to applicants and licensees.

At its meeting on December 15, 2015, the Subcommittee reviewed the Board. Discussion among the Subcommittee members and representatives of the Board concerned investigations of licensees. The Chair of the Subcommittee indicated that a legislative audit of the Board’s legal fees and fees associated with investigations may be requested.

If the Subcommittee wishes to pursue such an audit, the Subcommittee may wish to consider a motion to:

Submit to the Legislative Commission a recommendation for an audit of the Board of Dental Examiners of Nevada to determine whether the Board has assessed reasonable costs to licensees of the Board for investigating and resolving complaints and disciplinary matters, providing that the audit should include an analysis of the Board’s legal and investigative expenditures and related cost recoveries during Calendar Years 2014 and 2015.