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MEETING NOTICE AND AGENDA

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

Date and Time of Meeting: Thursday, June 16, 2016
9 a.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](#)."

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. 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. 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 April 21, 2016, in Las Vegas, Nevada

For Possible Action

- IV. Presentation of the Legislative Auditor’s Audit Report of the Board of Dental Examiners of Nevada, as Recommended by the Sunset Subcommittee of the Legislative Commission, February 9, 2016
Shannon Ryan, Audit Supervisor, Audit Division, Legislative Counsel Bureau (LCB)
Richard A. Neil, Audit Supervisor, Audit Division, LCB

For Possible Action

- V. Discussion of the Report and Analysis of the Division of Internal Audit’s Audit Report of the Taxicab Authority, Department of Business and Industry (DBI), Prepared at the Request of the Livery Operators Association of Las Vegas
Jeremy Aguero, Principal, Applied Analysis
Steve Weinberger, C.P.A., Administrator, Division of Internal Audits, Governor’s Finance Office, Office of the Governor

For Possible Action

- VI. Work Session—Discussion and Possible Actions on Recommendations Relating to:
 - A. Commission for Common-Interest Communities and Condominium Hotels (NRS 116.600), Real Estate Division, DBI
 - B. Personnel Commission (NRS 284.030), Division of Human Resource Management (DHRM), Department of Administration (DOA)
 - C. Employee-Management Committee (NRS 284.068), DHRM, DOA
 - D. Merit Award Board (NRS 285.030), DHRM, DOA
 - E. Local Government Employee-Management Relations Board (NRS 288.080), DBI
 - F. State Board of Education (NRS 385.021)
 - G. Advisory Council on Parental Involvement and Family Engagement (NRS 385.610), Nevada’s Department of Education (NDE)

- H. State Board for Career and Technical Education (NRS 388.330)
- I. Commission on Educational Technology (NRS 388.790), NDE
- J. State Council for the Coordination of the Interstate Compact on Educational Opportunity for Military Children (NRS 388F.020), NDE
- K. Board of Trustees of the Fund for Hospital Care to Indigent Persons (NRS 428.195)
- L. State 4-H Camp Advisory Council (NRS 550.035), Public Service Division, Board of Regents, Nevada System of Higher Education
- M. Nevada Junior Livestock Show Board (NRS 563.010), State Department of Agriculture
- N. Board of Dental Examiners of Nevada (NRS 631.120)
- O. Committee on Dental Hygiene (NRS 631.205)
- P. State Board of Oriental Medicine (NRS 634A.030)
- Q. Public Utilities Commission of Nevada (NRS 703.020)
- R. Nevada Transportation Authority (NRS 232.510 and 706.1511), DBI
- S. Taxicab Authority (NRS 232.510 and 706.8818), DBI

The “Work Session Document” is attached 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](#)), or a written copy may be obtained by contacting Carol M. Stonefield, Chief Principal Research Analyst, Research Division, LCB, at (775) 684-6825.

*For
Possible
Action*

- VII. Recommendations Relating to the Functions and Operation of the Sunset Subcommittee of the Legislative Commission
- 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. 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**



June 16, 2016

Prepared by the Research Division
Legislative Counsel Bureau



WORK SESSION DOCUMENT

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

June 16, 2016

The following “Work Session Document” has been prepared by the Chair and staff of the Sunset Subcommittee of the Legislative Commission. It is designed to assist the Subcommittee members in determining whether to recommend a board or commission for continuation, modification, consolidation, or termination. 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 based on information received at this meeting or previous meetings 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 for Common-Interest Communities and Condominium Hotels (NRS 116.600), Real Estate Division, Department of Business and Industry

The Commission for Common-Interest Communities (CIC) and Condominium Hotels was added to NRS in 2003. The Commission consists of seven members appointed by the Governor: three owners of units, one attorney, one certified public accountant, one developer, and one manager of a CIC or an association of a condominium hotel.

The Commission hears complaints brought by the Real Estate Division (RED) for misconduct, ranging from violations of open meeting laws to misuse of board authority, including misappropriation of funds. As the adjudicating body, the Commission imposes discipline authorized by Chapters 116 (“Common-Interest Ownership [Uniform Act]”) and 116A (“Common-Interest Communities: Regulation of Community Managers and Other Personnel”) of NRS. In addition, the Commission works with the RED to create and adopt regulations that pertain to licensees, boards, and unit owners.

The Commission was reviewed by the Sunset Subcommittee on February 23, 2016. Neither the RED nor the Commission had any suggestions for statutory changes to governing statutes.

Public comment addressed the composition of the Commission, which noted the number of unit owners is less than the number of industry representatives.

Should the Commission for Common-Interest Communities and Condominium Hotels 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. Personnel Commission (NRS 284.030), Division of Human Resource Management, Department of Administration

The Personnel Commission was added to NRS in 1953 as an advisory commission in the Department of Personnel. In 1983, the Legislature changed the name of the Commission by removing “advisory” from its title. In 2003, the Legislature gave the Commission the authority to adopt regulations.

The Commission is responsible to advise the Governor and the Legislature on personnel policy. It is authorized to adopt regulations to carry out the provisions of Chapter 284 (“State Personnel System”) of NRS, approve changes to the classification plan, and decide certain appeals from employees.

Appointed by the Governor, the Commission consists of five members who must have background in personnel administration. A majority vote of the entire Commission is required to adopt, amend, or rescind a regulation.

The Commission was reviewed by the Subcommittee on March 15, 2016. Although the Commission had no recommendations for revisions to statutes governing its structure and operations, Subcommittee members raised questions regarding the number of members present at a Commission meeting to take action on an individual appeal.

Should the Personnel Commission 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?*

If the Subcommittee wishes to recommend continuation, the members may wish to recommend revising NRS to:

- A. Require a majority vote of the entire Commission to decide an appeal from an employee; or
- B. Require the appointment of alternate members so that a full roster of five members is present at every meeting to take action on matters before the Commission; or
- C. Require both proposals.

3. Employee-Management Committee (NRS 284.068), Division of Human Resource Management, Department of Administration

The Employee-Management Committee (EMC) consists of six members appointed by the Governor. Three members must represent management within the Executive Department and three must represent employees. Alternates for all members must be appointed as well.

The EMC was created by the Legislature in 1983. Regulations governing the procedures of the EMC are adopted by the Personnel Commission.

The EMC is to advise the Executive Department, including the Governor and the Personnel Commission, on personnel issues and matters relating to relations between management and employees. It is to provide a forum for hearing employees' suggestions, complaints, or disciplinary problems. The EMC is also charged with holding hearings and making final decisions for the adjustment of grievances; such a hearing may not be held unless equal numbers of representatives of management and employees are in attendance.

The EMC was reviewed by the Sunset Subcommittee at its meeting on March 15, 2016. At that time, the EMC recommended a revision to NRS to remove from the EMC's jurisdiction grievances for which there is another State or federal administrative complaint process.

An administrative regulation of the Personnel Commission (LCB File No. R076-15) was approved by the Legislative Commission at its meeting on April 4, 2016. This regulation gives the Personnel Commission the authority to remove a grievance from the process when the issue does not meet the definition of grievance pursuant to NRS 284.384.

Should the Employee-Management Committee be terminated or continued?

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

If the Subcommittee recommends that the Committee should continue:

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

4. Merit Award Board (NRS 285.030), Division of Human Resource Management, Department of Administration

The Merit Award Board and Merit Award Program were established by the Legislature in 1967. The Board consists of five members who represent public employees, the Budget Division of the Department of Administration (DOA), the Division of Human Resource Management, and the Governor.

The Board receives proposals from State employees that would reduce or eliminate State expenditures or improve the operations of State government. The Board evaluates the merits of these suggestions.

The program was revised in 2011 with the enactment of Senate Bill 286 (Chapter 66, *Statutes of Nevada*). Most of the current provisions for determining eligibility for an award, review by affected State agencies, and payment of awards were enacted then. A representative of the Board stated there has been an increase in suggestions submitted over the past three years.

The Board was reviewed by the Sunset Subcommittee at its meeting on March 15, 2016. At that time, a representative suggested revisions to Chapter 285 (“Awards to State Employees”) for the purpose of clarification. On its review form, the Board indicated it would coordinate with the DOA’s deputy attorney general regarding the revisions.

Should the Merit Award Board 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?*

If the Subcommittee wishes to recommend continuation, the members may wish to recommend the proposed revisions suggested by the Board, including the following:

- A. NRS 285.010—Clarify that “adoption” means implementing an employee suggestion (this change would be made in other sections of Chapter 285 as well).

- B. NRS 285.030—Remove the reference to Board expenditures up to \$1,000 per year because the budget for the Board has been legislatively established in Budget Account 1345, since Fiscal Year (FY) 2011.
- C. NRS 285.050—Delete “currently” as it applies to suggestions under active consideration and clarify that an employee is limited to two suggestions in any calendar year.
- D. NRS 285.060—Revise the time frame within which the head of a State agency must report findings and recommendation to the Board. Existing statute requires a report within 30 days of receiving an employee suggestion.
- E. NRS 285.070—Revise the time frame for paying installments of awards, depending on the amount of time that passes before a State agency realizes saving.

5. Local Government Employee-Management Relations Board (NRS 288.080), Department of Business and Industry

The Local Government Employee-Management Relations Board was added to NRS in 1969 as part of a larger legislative measure to establish a process of collective bargaining between public employees and public management in return for a prohibition against strikes by local government employees.

The Board may hear and determine any complaint relating to the provisions of Chapter 288 (“Relations Between Governments and Public Employees”) of NRS. Complaints may be filed by any local government employer, employee, or employee organization. Complaints may allege prohibited practices. Other cases relate to bargaining units, including the scope of the unit or representation by competing employee organizations. The Board’s decisions are subject to judicial review.

The Board consists of three members appointed by the Governor. It is funded by charging and collecting a fee from each local government employer, currently set at \$6.75 per local government employee.

The Board was reviewed by the Sunset Subcommittee on March 15, 2016. At that time, the Board recommended increasing the number of members from three to five. The Director of the Department of Business and Industry (DBI) suggested, that if the Board membership is increased, the new members should be appointed from southern Nevada.

Should the Local Government Employee-Management Relations Board 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?***

If the Subcommittee wishes to recommend continuation, the members may wish to recommend revising NRS to:

- A. Expand the board by adding two members; and
- B. Designate that at least three members shall be residents of southern Nevada.

6. State Board of Education (NRS 385.021)

The State Board of Education, established by the Legislature in 1864–1865, consisted of the Governor, the Superintendent of Public Instruction, and the Surveyor-General. The first elected board was established in 1931. Since that time, the State Board membership has been revised several times.

Since 2011, the State Board has consisted of seven voting members, as follows: four members are elected from congressional districts and three are appointed by the Governor to represent specific sectors. Four nonvoting members, also appointed by the Governor, represent certain constituencies.

The State Board is responsible for establishing statewide public school policy. It also exercises duties as assigned, including issues relating to the financial support of schools, curriculum, examinations, a statewide performance evaluation system, parental and family engagement, charter schools, accountability, and plans to improve pupil achievement.

In 2009, the Legislature provided for the Legislative Commission’s Committee to Study the Governance and Oversight of the System of K-12 Public Education during the 2009–2010 Interim. The Legislature revised the composition of the State Board and many of its duties in 2011. Previously, the State Board selected the Superintendent; as a result of the revisions, the State Board now submits nominations to the Governor who makes the final appointment of the Superintendent.

The State Board was reviewed by the Sunset Subcommittee at its meeting on April 21, 2016. At that time, the State Board had no recommendations for revisions to statutes governing its responsibilities or operations. The Subcommittee members and representatives of the State Board discussed including more representation from business-related individuals on the State Board as well as the advisory nature of the State Board.

Should the State Board of Education 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?*

7. Advisory Council on Parental Involvement and Family Engagement (NRS 385.610), Department of Education

The Advisory Council on Parental Involvement and Family Engagement was reviewed by the Sunset Subcommittee at its meeting on April 21, 2016. The Advisory Council consists of 11 members, 9 of whom are appointed by the Superintendent of Public Instruction in certain categories. The two remaining members are legislators, one of whom is appointed by the Senate Majority Leader and one by the Speaker of the Assembly.

The Advisory Council is assigned to review policies of parental involvement, school district annual reports, and effective practices. It is also charged with identifying methods to improve outreach and communication with parents. The Advisory Council is to report annually to the Legislative Committee on Education (LCE) (NRS 218E.605) and biennially to the Legislature.

The Advisory Council suggested revisions to NRS relating to reports to the Legislature and the LCE. It also recommended a change in the name of the Advisory Council. Finally, it recommended that the two legislative members be nonvoting members who would be required to attend a minimum of two meetings each year.

Subcommittee members raised questions regarding measurement of the effectiveness of parental involvement policies and programs, including student performance, attendance, and discipline.

Should the Advisory Council on Parental Involvement and Family Engagement be terminated or continued?

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

If the Subcommittee recommends that the Advisory Council should continue:

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

If the Subcommittee wishes to recommend continuation, the members may also wish to recommend the following revisions to NRS, as proposed by the Advisory Council:

- A. Repeal the annual report to the LCE, due on July 1, that describes the activities of the Advisory Council and any recommendations for legislation, and further revise reporting by changing the biennial report to the Legislature to an annual report due on February 1 each year; and
- B. Revise the name by deleting “parental involvement” so that the name could be the Advisory Council for Family Engagement.

Further, the members of the Subcommittee may wish to recommend that reports to the Legislature in odd-numbered years or to the Legislative Commission in even-numbered years include more than anecdotal evidence of the impact of parental involvement programs. The members may wish to:

- C. Require measurement and correlation of the impact of such programs and policies on:
 - Student achievement;
 - Discipline;
 - Attendance, and
 - Parent satisfaction.

8. State Board for Career and Technical Education (NRS 388.330)

Pursuant to NRS 388.330, the State Board for Career and Technical Education (CTE) consists of the members of the State Board of Education.

Brief history of the structure and operations of the State Board for Career and Technical Education:

- 1917—Federal funds were made available for vocational education; the State Board of Education was designated as the board for purposes of compliance with the federal act. At that time, the State Board of Education consisted of the Governor, the Superintendent of Public Instruction, and the President of the University of Nevada.
- 1919—The State Board of Education was designated as the State Board for Vocational Education.
- 1923—Two additional members, representing agriculture and labor, were appointed by the State Board of Education to the State Board for Vocational Education.
- 1931—The State Board of Education was revised to consist of elected officials. The Governor and Superintendent became *ex officio* members.
- 1956—Membership of the State Board for Vocational Education was revised to consist of the State Board of Education.
- 1971—The State Board for Vocational Education was directed to hold at least four meetings per year, coincident with the meetings of the State Board of Education; transitory language provided for the elimination of the appointed representatives of agriculture and labor and for the election of two additional members to the State Board of Education.
- 1985—The name was changed to the State Board for Occupational Education.
- 2005—The name was changed to the State Board for CTE.

The State Board for CTE was reviewed by the Sunset Subcommittee at its meeting on April 21, 2016. At that time, representatives from the Department of Education stated that, under the Carl D. Perkins Career and Technical Education Act of 2006 (Public Law 109-270), there is no federal requirement to have a separate board to oversee federal assistance to career and technical education.

Should the State Board for Career and Technical Education 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?*

If the Sunset Subcommittee wishes to recommend revisions to the State Board for CTE, the members may wish to consider the following options:

- A. Recommend termination of the State Board for CTE and further recommend consolidation with the State Board of Education; revisions to NRS would be necessary in order for Nevada to remain in compliance with federal requirements that a state board must be designated as the sole state agency responsible for the administration of career and technical education in Nevada.
- B. Recommend revision to the composition of the membership of the State Board of Education to ensure representation from vocations (the State Board of Education currently consists of four members elected from districts coterminous with the congressional districts and three members appointed by the Governor as follows: one teacher, one parent, and one person active in business or industry).

9. Commission on Educational Technology (NRS 388.790), Department of Education

The Commission on Educational Technology was added to NRS in 1997 as part of the Nevada Education Reform Act. The Commission consists of 13 members, seven of whom are appointed by the Governor. Two members are appointed by the Senate Majority Leader, including a Senator, and two members are appointed by the Speaker of the Assembly, including a member of the Assembly. The Superintendent of Public Instruction and the Administrator of the Division of Enterprise Information Technology Services of the DOA serve as *ex officio* members.

In 2009, the Legislature created the Legislative Commission's Committee to Study the Governance and Oversight of the System of K-12 Public Education. In order to involve key education stakeholders in the study, a web-based survey of opinions was developed. The Commission on Educational Technology was one of the entities about which stakeholders were asked to express views. Based upon the results of the survey, the Committee to Study the Governance and Oversight recommended to the Legislature in 2011:

- To transfer the duties to Nevada's Department of Education (NDE);
- To authorize NDE to convene an advisory group to revise the plan for the use of educational technology, review the applications for funds, and make recommendations for allocation; and
- To require NDE to submit the plan for the use of educational technology to the State Board for review and approval.

The report of the Committee, Bulletin No. 11-03, is available here: <http://www.leg.state.nv.us/Division/Research/Publications/InterimReports/2011/Bulletin11-03.pdf>. (See page 3.)

The Commission was reviewed by the Sunset Subcommittee at its meeting on April 21, 2016. In its review form, the Commission recommended several statutory changes.

Should the Commission on Educational Technology 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?*

Options Relating To Continuation:

If the Subcommittee wishes to recommend continuation, the members may wish to recommend the proposed revisions suggested by the Commission, including the following:

- A. NRS 388.790—Revise the status of the Superintendent of Public Instruction and the Administrator of the Division of Enterprise Information Technology Services from *ex officio* to full voting members.

According to the Commission’s review form, “both of these incumbents are uniquely knowledgeable” about educational technology and the State system.

- B. NRS 388.790—Revise to permit these individuals to appoint designees “to attend meetings who may have better understanding of technology and who would serve the commission in an informed capacity.”
- C. NRS 388.790—Require members to attend meetings and provide for the removal of any member who misses more than two consecutive meetings.
- D. NRS 388.795—Delete the provision of paragraph (a) of subsection 5 providing that the Commission has a duty to develop technical standards for educational technology, including uniform specifications for computer hardware and wiring to ensure technology is interconnected throughout the public schools of Nevada.

According to the Commission’s review form, “This Commission does not develop technical standards for school districts and it is not in the best interest of the state for them to do so. This is not their area of expertise. School districts know their own needs and are better equipped to determine their own technical specifications. Furthermore, district needs are too diverse to arrive at statewide standards.”

- E. NRS 388.795—Delete provisions requiring the Commission to submit a final written report of the needs assessment of each school district relating to education technology.

According to the Commission’s review form, “This does not need to be in the legislation. The report is prepared by an outside research group that presents the report to the Commission sometime in May of even numbered years in time for the Department to submit it to the required entities by June 1.”

- F. NRS 388.795—Delete subsection 8 if paragraph (a) of subsection 5 is deleted (see option D above). Subsection 8 provides that the Commission may appoint an advisory committee to provide recommendations regarding standards for a telecommunications network in the public schools.

Options relating to termination:

If the Subcommittee wishes to recommend termination of the Commission, the members may wish to consider the recommendations from the Legislative Commission’s Committee to Study the Governance and Oversight of the System of K-12 Public Education, including the following:

- G. Transfer the duties of the Commission to NDE.
- H. Authorize NDE to convene an advisory group to revise the plan for the use of educational technology, review the applications for funding, and make recommendations for allocation.
- I. Require NDE to submit a plan to the State Board of Education for review and approval.

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

The State Council for the Coordination of the Interstate Compact on Educational Opportunity for Military Children was added to NRS in 2009. Since then, all 50 states have joined the Compact. The Interstate Compact was developed by the United States Department of Defense and the Council of State Governments. Its purpose is to address reciprocity and difficulties facing high school students who change schools because of military transfers of their parents.

Article VIII of the Interstate Compact requires the creation of a State Council or the use of an existing body or board to provide for the coordination among its agencies of government, local education agencies, and military installations. At a minimum, membership must include the state superintendent of public education, a superintendent of a local school district with a high concentration of children of military families, a representative from a military installation, and one representative each from the legislative and executive branches.

The State Council was reviewed by the Subcommittee at its meeting on April 21, 2016. The Commissioner had no recommendations for revisions to NRS.

Should the State Council for the Coordination of the Interstate Compact on Educational Opportunity for Military Children be terminated or continued?

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

If the Subcommittee recommends that the State Council should continue:

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

If the Subcommittee chooses to recommend termination, responsibilities would have to be transferred to another board or similar entity if Nevada is to remain in compliance with the Interstate Compact.

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

The Board of Trustees of the Fund for Hospital Care to Indigent Persons was added to NRS in 1983 to administer the Fund, which was created to provide assistance to eligible individuals injured in automobile accidents. The Board consists of five members appointed by the Governor from a list of nominees submitted by the Nevada Association of Counties.

In managing the Fund, known as the Indigent Accident Fund, the Board is authorized to enter into agreements with the Division of Health Care Financing and Policy, Department of Health and Human Services (DHHS), to transfer money to be used in the State Plan for Medicaid. The Board may use the Fund for three purposes: (1) as a match to leverage additional Medicaid money; (2) to pay claims for hospital costs for injured individuals; and (3) to assist counties to participate in the Medicaid match program for long-term care.

In FY 2017, projected revenues of \$25 million will be transferred to DHHS to generate \$72 million in supplemental payments to hospitals. Sources of revenue include a property tax levy of \$.015 on each \$100 of assessed valuation collected in all counties. Additional revenues are generated from county reimbursement for each approved Indigent Accident Fund claim.

In 2015, Assembly Bill 41 (Chapter 95, *Statutes of Nevada*) revised certain provisions relating to funding for indigent care. The bill also repealed the Fund for the Institutional Care of the Medically Indigent, which had been inactive, a recommendation based upon a review by the Sunset Subcommittee during the 2013–2014 Interim.

The Board was reviewed by the Sunset Subcommittee at its meeting on April 21, 2016. The Board made no recommendations for revisions to NRS.

Should the Board of Trustees of the Fund for Hospital Care to Indigent Persons 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?***

12. State 4-H Camp Advisory Council (NRS 550.035), Public Service Division, Board of Regents, Nevada System of Higher Education

The State 4-H Camp was established by the Legislature as a State institution in 1947. The Advisory Council was added to NRS in 1965 in the same legislation that vested the title of the Camp in the Board of Regents of the University of Nevada under the direction of the Agricultural Extension Department.

The State 4-H Camp Advisory Council consists of 12 members, designated as follows: 2 members appointed by the President of the University of Nevada, Reno (UNR); 4 members elected from among leaders of 4-H clubs; 4 members designated from among members of the Nevada Farm Bureau; and 2 members from the University of Nevada Cooperative Extension, Board of Regents, Nevada System of Higher Education, system elected by county agents.

By statute, the Advisory Council is to cooperate with the Director of the Agricultural Extension Department as the Director manages the property, including making regulations for the use of the Camp and attending to the business of the Camp.

The Advisory Council was reviewed by the Sunset Subcommittee at its meeting on April 21, 2016. At that time a number of revisions to NRS were proposed by the State 4-H Program Director. The Council Chair testified that the Advisory Council had not discussed the proposed change to establish term limits for Advisory Council members.

Should the State 4-H Camp Advisory Council be terminated or continued?

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

If the Subcommittee recommends that the Advisory Council should continue:

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

If the Subcommittee wishes to recommend continuation, the members may wish to recommend one or more of the proposed revisions suggested by the Program Director, including the following:

- A. NRS 510.010—Revise the definition of Director to reflect appropriate University terminology and organization and permit the Director to designate a representative to perform duties of the chapter (4-H programs are organized under the University of Nevada Cooperative Extension system, not the Agricultural Extension Department).
- B. NRS 550.030—Revise the statement of purpose of the State 4-H Camp.
- C. NRS 550.035—Insert limits of two consecutive terms and revise the membership designations as follows:
 - 1. 4-H leaders must be “certified”;
 - 2. The Farm Bureau appointees would no longer be required to be members of the Farm Bureau; and
 - 3. The members from the Cooperative Extension system would no longer have to be elected by the county agents.
- D. NRS 550.050—Revise the powers of the Director to provide that the designee would be authorized to manage the property of the Camp, make regulations for the use of the Camp, and attend to the business of the Camp; and repeal the requirement that the Director shall cooperate with the Advisory Council and others to carry out the purpose of Chapter 550 (“State 4-H Camp”) of NRS.
- E. NRS 550.070—Insert the Director’s designee into the provisions permitting a recommendation to the Board of Regents to dispose of real property under specified conditions.
- F. NRS 550.080—Insert the Director’s designee into provisions permitting the Director to conduct negotiations relating to boundaries, rights-of-way, and other related matters.

13. Nevada Junior Livestock Show Board (NRS 563.010), State Department of Agriculture

The Nevada Junior Livestock Show Board was added to NRS in 1945. The Board consists of eight members appointed by the Governor. The members must represent the teaching staff of the College of Agriculture, Biotechnology and Natural Resources, UNR; a secondary agriculture teacher; the University of Nevada Cooperative Extension; the Reno Rodeo Association; and individuals involved in general agriculture and raising livestock.

The Show Board conducts the annual Nevada Junior Livestock Show and Sale. It also conducts educational workshops where young people learn about raising livestock, operates a scholarship program for youth exhibiting at the Show and Sale, and oversees all property of the Nevada Junior Livestock Show.

Sources of revenue for the Show Board include sales commissions on animals sold through the auction conducted at the Show and Sale. It also receives a grant from the State Department of Agriculture and donations from the public.

In 2013, A.B. 19 (Chapter 103, *Statutes of Nevada*) repealed the State Advisory Board of Trustees for the Trust Relating to the Fairground and transferred its duties to the Show Board.

The Show Board was reviewed by the Sunset Subcommittee at its meeting on April 21, 2016. The Show Board had no recommendations for revisions to NRS.

Should the Nevada Junior Livestock Show Board 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?*

14. 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.

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. During its review, the Board offered no suggestions for revisions to NRS.

Discussion among the Subcommittee members and representatives of the Board concerned investigations of licensees. The Subcommittee subsequently recommended to the Legislative Commission that an audit of the Board be conducted. The Legislative Auditor, Audit Division, LCB, examined legal and investigative expenditures and related cost recoveries during Calendar Years 2014 and 2015 to determine whether the Board assesses licensees reasonable costs for investigating and resolving complaints and disciplinary cases. The audit was presented to the Audit Subcommittee of the Legislative Commission (NRS 218E.240) on May 24, 2016.

The Legislative Auditor made 14 recommendations regarding operations of the Board, including the following:

1. Develop and document a process for tracking actual costs by complainant and licensee for investigations and monitoring activities;
2. Ensure the disciplinary screening officer’s (DSO) invoices include sufficient detail to track and assess costs accurately;
3. Refund licensees amounts they were overcharged;
4. Develop policies regarding fees to be assessed to licensees throughout the disciplinary process;
5. Determine, document, and adhere to appropriate travel cost limits;
6. Discontinue the use of charitable contributions as a condition of stipulation agreements;

7. Record recoveries collected from licensees for disciplinary actions and monitoring activities as revenue instead of a reduction to expenses;
8. Prepare contracts that accurately reflect the maximum amount expected to be paid to the contractor;
9. Review at a public meeting the merits of contracting with outside counsel versus hiring General Counsel to meet the majority of the Board's legal needs;
10. Institute an independent review process regarding complaint investigation and resolution;
11. Develop and document guidance for investigations;
12. Develop a standardized filing organization method;
13. Prepare a file checklist that details routine documentation related to the disciplinary process needed to substantiate actions and compliance with statutes; and
14. Ensure all records are obtained and retained by the Board to support disciplinary activities.

Should the Board of Dental Examiners of Nevada 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?***

If the Subcommittee wishes to recommend continuation, the members may wish to recommend one or more of the following:

- A. Amend Chapter 631 of NRS to provide that in any matter in which the Board or an agent of the Board determines that a person has engaged in the practice of dentistry or dental hygiene without the license required by that chapter and has caused injury to any patient, the Board shall cause written notice of its determination to be mailed or given to the patient.

- B. Revise NRS 631.350(1) specifically to allow or disallow a mandatory charitable contribution by a licensee as part of a disciplinary order of the Board or as a condition of any agreement entered into by the Board and the licensee.
- C. Amend NRS 622.400 to require, as a condition of the recovery of attorney's fees and costs by a regulatory body pursuant to that section, that: (1) any final order entered by the body must include a schedule of the fees and costs incurred and an explanation of the calculation of the total amount ordered to be paid; or (2) if the regulatory body enters into a settlement agreement in lieu of a final order, any such agreement must include such a schedule and explanation.
- D. Amend Chapter 631 of NRS to provide, for any preliminary investigation or informal hearing conducted by a DSO or other agent of the Board, that the agent's findings and any proposed action against a licensee must be reviewed and approved by an internal review panel before they may become the basis of a settlement agreement with the licensee.
- E. Require the Board to report to the Sunset Subcommittee in the 2017–2018 Interim regarding the progress of the Board in complying with the recommendations set forth in the audit conducted by the Legislative Auditor.
- F. Send a letter to the Board directing an analysis and report of the practice of contracting with outside legal counsel, including a statement of reasons for contracting with outside counsel rather than employing General Counsel as staff. Request a reply to the Sunset Subcommittee and the Legislative Commission by January 1, 2017.

15. Committee on Dental Hygiene (NRS 631.205)

The Committee on Dental Hygiene was added to NRS in 2003. The Committee, appointed by the Board of Dental Examiners of Nevada, consists of members of the Board, including three dental hygienists and one dentist who has experience in supervising a dental hygienist.

The Committee may make recommendations to the Board concerning the practice of dental hygiene and the licensing of dental hygienists.

According to committee minutes, proponents testified that the Nevada Dental Hygienists Association and the Board of Dental Examiners of Nevada had collaborated on developing the legislation. Dental hygienists sought a greater role in the regulatory process.

The Committee was reviewed by the Sunset Subcommittee at its meeting on December 15, 2015. The Committee had no recommendations for revisions to NRS.

Should the Committee on Dental Hygiene be terminated or continued?

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

If the Subcommittee recommends that the Committee should continue:

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

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

In 1973, the Legislature established the State Board of Chinese Medicine. The name of the Board was revised in 1975 to the State Board of Oriental Medicine. The Board consists of five members appointed by the Governor, including three members who are licensed practitioners of Oriental medicine, one who is a licensed physician, and one who is a member of the public without any monetary interest in any matter relating to Oriental medicine.

The Board may prescribe the course of study required for the degree of Doctor of Oriental Medicine and approve schools of Oriental medicine. It has the authority to issue licenses and discipline licensees.

The Board was reviewed by the Sunset Subcommittee during the 2011–2012 Interim. At that time, the Subcommittee recommended continuation without modification.

Subsequently, the Board proposed administrative regulation LCB File No. R072-14. In its most recent form, the proposed regulation would require a student who graduates on or after November 25, 2019, 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 provide for the establishment of an Accreditation Committee, which would recommend to the Board the approval of schools or colleges of Oriental medicine and annual approval of curricula.

The Board was reviewed again by the Sunset Subcommittee at its meeting on December 15, 2015. At that time, the Board requested two statutory revisions:

1. Revise NRS 0.040 to include Doctor of Oriental Medicine in the definition of “physician”; and
2. Amend Chapter 634A (“Oriental Medicine”) of NRS to include the practice of “Dry Needling” under Oriental medicine because the Board considers this to be acupuncture.

During the review on December 15, 2015, members of the public submitted written testimony indicating concerns about the operations of the Board, including:

- Proposing regulations that exceed statutory authority and create barriers to entry into the field;
- Exhibiting a lack of understanding of proper board functions, including compliance with the Open Meeting Law and a lack of transparency in maintaining public records;

- Treating licensees and applicants in an arbitrary and inconsistent manner;
- Restricting trade out of self-interest; and
- Endangering public safety through a lack of oversight of both licensed and nonlicensed practitioners.

Should the State Board of Oriental Medicine 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?*

In making its recommendation to the Legislative Commission concerning the State Board of Oriental Medicine, the Subcommittee may wish to consider the following options:

- A. Send a letter to the State Board of Oriental Medicine recommending that it withdraw LCB File No. R072-14, and inform the Legislative Commission of the Subcommittee's opposition to the proposed regulation.
- B. Amend NRS 634A to increase the number of members of the Board from the current five to seven and provide that one member of the Board shall represent a school or college of Oriental medicine located in Nevada, the establishment and curriculum of which is approved by the Board pursuant to NRS 634A.090.
- C. Amend NRS 634A to provide that the members serve at the pleasure of the Governor, who may remove a member at will.
- D. Revise NRS 634A.200 to provide that the provisions of the chapter do not apply to physicians licensed under Chapter 630 ("Physicians, Physician Assistants, Medical Assistants, Perfusionists and Practitioners of Respiratory Care") or Chapter 633 ("Osteopathic Medicine") of NRS.

E. Require the State Board to submit reports of activities to the Sunset Subcommittee every six months until the 2019 Legislature convenes. Such reports will include:

- Minutes of meetings;
- The examination and licensing of applicants;
- Approval of curricula of any school or college of Oriental medicine located in Nevada;
- Oversight of practitioners; and
- Any other issue as directed by the Sunset Subcommittee.

17. Public Utilities Commission of Nevada (NRS 703.020)

The Public Utilities Commission of Nevada (PUCN) traces its origins to the Railroad Commission of Nevada. In 1911, the Legislature created the Public Service Commission (PSC), whose members were *ex officio* members of the Railroad Commission. Subsequently, in 1919, the PSC was created in NRS as an independent body. The legislation also repealed the Railroad Commission, placing railroads under the PSC, along with common carriers and utilities that furnish power in any form, telephone or telegraph services, and water or sewer services.

In 1997, the Legislature further reorganized the PSC when it changed its name to the PUCN and created the Transportation Services Authority (renamed the Nevada Transportation Authority [NTA] in 2007).

The PUCN consists of three Commissioners appointed by the Governor for terms of four years. It supervises and regulates the operation and maintenance of public utilities. In addition, the PUCN may represent the State of Nevada in matters affecting the development, transmission, use, or cost of energy in Nevada. It may conduct inspections to ensure compliance with federal statutes and regulations and may enforce federal safety regulations relating to railroads.

The PUCN was reviewed by the Sunset Subcommittee at its meeting on February 9, 2016. The PUCN recommended to revise NRS 704.190 to conform to federal requirements.

Public comment addressed the appointment, terms, and qualifications of the Commissioners; possible violations of the Open Meeting Law; and the need for an oversight board, among other topics.

Should the Public Utilities Commission of Nevada 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?***

If the Subcommittee wishes to recommend continuation, the members may wish to recommend the following:

- A. Revise NRS 704.190 by replacing the word “accident” with “incident”; adding the term “significant service outage” to events that may result in an investigation and report; and provide that the PUCN shall adopt regulations defining “incident” and “significant service outage.”

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

The NTA regulates 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 of Clark County. In 2015, the Legislature authorized and empowered the NTA to regulate all transportation network companies and drivers who operate in Nevada.

The NTA enforces standards of safety for common and contract carriers subject to its authority; adopts regulations relating to fares, rates, and classifications; and reviews decisions of the Taxicab Authority (TA), DBI, on appeal. The NTA may make regulations to govern the administration of Chapter 706 (“Motor Carriers”) of NRS, adopt by reference any appropriate rule or regulation of the DOT, require reports and maintenance of records as necessary, examine records of motor carriers doing business in Nevada, and temporarily waive requirements in emergencies. The NTA adopts rules and regulations relating to the storage of household goods.

The Subcommittee reviewed the NTA at its meeting on February 9, 2016. The Chair of the NTA noted that it has three operational areas: applications, enforcement, and compliance. The Director of the DBI indicated that the administration is reviewing any policy proposals to consolidate the taxicab system operating in Clark County with the system overseen by the NTA.

The NTA had no recommendations for statutory changes. Further, in 2013–2014, the Subcommittee had no recommendations for statutory changes to the NTA.

Should the Nevada Transportation Authority be terminated or continued?

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

If the Subcommittee recommends that the Authority should continue:

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

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

The TA was added to NRS in 1969. The TA consists of five members appointed by the Governor, and it is authorized to adopt regulations for the administration and enforcement of statutory provisions relating to the operations of taxicabs in Clark County, including investigating alleged violations of provisions of Chapter 706 of NRS. The TA shall also conduct hearings and decide matters relating to rates, certificates of public convenience, transfers of existing certificates of public convenience, and the number of taxicab allocations.

On January 19, 2016, the Executive Branch Audit Committee, Division of Internal Audits (DIA), Governor's Finance Office, Office of the Governor, received the report of an audit of the TA, conducted by the DIA. The DIA recommended actions to be taken by the TA and the DBI. Recommendations for the TA include:

- Adhere to statutory roles and responsibilities to work more effectively with the TA Administrator and staff, (the DIA noted Board intervention in inspection schedules and decisions of the Administrator);
- Correct the fee structure by rescinding the \$0.08 mileage rate increase, eliminating the \$0.12 per mile fuel surcharge, and using a graduated fee structure based on actual Clark County fuel prices;
- Adjust the credit card fee from \$3 to \$0.90 per transaction; and
- Evaluate eliminating the credit card fee completely.

The Division of Internal Audits also recommended that the DBI:

- Clarify the enforcement role of peace officers employed by the TA; and
- Eliminate the TA as a separate regulatory agency and transfer its functions either to Clark County or the NTA.

The TA was reviewed by the Subcommittee at its meeting on February 9, 2016. At that meeting, the Subcommittee was informed that the Livery Operators Association of Las Vegas had commissioned an analysis and report on the audit conducted by the DIA. The TA had no recommendations for statutory changes.

Should the Taxicab Authority be terminated or continued?

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

If the Subcommittee recommends that the Authority should continue:

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