

## MEETING NOTICE AND AGENDA

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

Date and Time of Meeting: Wednesday, June 4, 2014  
8:30 a.m.

Place of Meeting: Grant Sawyer State Office Building, Room 4401  
555 East Washington Avenue  
Las Vegas, 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:

Legislative Building, Room 3138  
401 South Carson Street  
Carson City, Nevada

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

<p><b>Note:</b> 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  
Assemblywoman Irene Bustamante Adams, Chair

II. Public Comment

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

*For  
Possible  
Action*

III. Approval of Minutes of the Meetings Held in Las Vegas, Nevada on:

- A. Tuesday, April 8, 2014
- B. Tuesday, May 6, 2014

*For  
Possible  
Action*

IV. Work Session – Discussion and Possible Actions on Recommendations Relating to:

- A. Advisory Commission on the Administration of Justice (NRS 176.0123)
- B. Nevada Equal Rights Commission (NRS 233.030)
- C. Nevada Commission for Women (NRS 233I.020)
- D. Land Use Planning Advisory Council (NRS 321.740)
- E. Executive Council of the Land Use Planning Advisory Council (NRS 321.755)
- F. Board for the Education and Counseling of Displaced Homemakers (NRS 388.615)
- G. Advisory Committee to the Pharmacy and Therapeutics Committee and the Drug Use Review Board (NRS 422.4055)
- H. Board of Trustees of the Fund for the Institutional Care of the Medically Indigent (NRS 428.470)
- I. Commission on Nuclear Projects (NRS 459.0091)
- J. Advisory Board on Water Resources Planning and Development (NRS 540.111)
- K. State Apprenticeship Council (NRS 610.030)
- L. Nevada Employment Security Council (NRS 612.305)
- M. Board of Hearing Aid Specialists (NRS 637A.030)
- N. Board of Examiners for Audiology and Speech Pathology (NRS 637B.100)
- O. State and Local Government Panel on Renewable and Efficient Energy (NRS 701.450)
- P. Nevada Transportation Authority (NRS 706.1511)

The “Work Session Document” is attached below and contains recommendations proposed at this time and other meetings of the Sunset Subcommittee of the Legislative Commission. The document is also available on the Committee’s webpage, [Sunset Subcommittee of the Legislative Commission](#) or a written copy may be obtained by contacting Carol M. Stonefield, Managing Principal Policy Analyst, Research Division, Legislative Counsel Bureau, at (775) 684-6825.

*For  
Possible  
Action*

V. Recommendations Relating to the Functions and Operation of the Sunset Subcommittee of the Legislative Commission (NRS 232B.210)

VI. Public Comment

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

VII. Adjournment

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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.

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Notice of this meeting was posted in the following Carson City, Nevada, locations: Blasdel Building, 209 East Musser Street; Capitol Press Corps, Basement, Capitol Building; City Hall, 201 North Carson Street; Legislative Building, 401 South Carson Street; and Nevada State Library, 100 North Stewart Street. Notice of this meeting was faxed or e-mailed for posting to the following Las Vegas, Nevada, locations: Clark County Government Center, 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](http://www.leg.state.nv.us).

Supporting public material provided to Committee members for this meeting may be requested from Natalie J. Pieretti, 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](http://www.leg.state.nv.us).

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

**REVISED  
WORK SESSION  
DOCUMENT**



**June 4, 2014**

Prepared by the Research Division  
Legislative Counsel Bureau



## **WORK SESSION DOCUMENT**

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

**June 4, 2014**

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 if 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, Managing Principal Policy Analyst, Research Division, LCB, at 775/684-6825 or by e-mail at [cstonefield@lcb.state.nv.us](mailto:cstonefield@lcb.state.nv.us).

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

**1. Advisory Commission on the Administration of Justice (NRS 176.0123)**

The Advisory Commission on the Administration of Justice (ACAJ) was established in 1995 as the Advisory Commission on Sentencing. The name was changed to its current form in 2007. There are four statutory subcommittees of the ACAJ, as well as two studies assigned in the 2013-2014 Interim. Its duties include reviewing the criminal justice system, evaluating the impact of policies and practices, considering juvenile justice in Nevada, and reporting and making recommendations on the administration of justice.

*Should the Advisory Commission on the Administration of Justice be terminated?*

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

*If the Subcommittee recommends that the Advisory Commission should continue:*

- a. Does the Subcommittee want to recommend any changes concerning the Advisory Commission on the Administration of Justice?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Advisory Commission on the Administration of Justice?*

The Subcommittee considered the ACAJ at its meeting on May 6, 2014. At that time, the Chair of the ACAJ suggested the resolution of the overlapping duties of the ACAJ with the Legislative Committee on Child Welfare and Juvenile Justice and with the Attorney General’s Advisory Committee to Study Laws Concerning Sex Offender Registration. The Chair of the ACAJ also recommended that the ACAJ be granted authority to request bill drafts. Since the ACAJ and its existing subcommittees have focused on issues relating to the criminal justice system, the possibility of recommending a new subcommittee of the ACAJ to address civil issues was also discussed.

If the Subcommittee wishes to recommend changes to the operations of the Advisory Commission, the Subcommittee may wish to consider the following:

- A. Amend the NRS to provide that the ACAJ may request bill drafts. Senator Tick Segerblom, Chair of the ACAJ, indicated in his presentation that five bill drafts would be sufficient;

- B. Amend the NRS to eliminate overlapping duties between the Legislative Committee on Child Welfare and Juvenile Justice (NRS 218E.705) and the ACAJ's Subcommittee on Juvenile Justice (NRS 176.0124); and/or
- C. Amend the NRS to eliminate overlapping duties with the A.G.'s Advisory Committee to Study Laws Concerning Sex Offender Registration (NRS 179D.132).

## **2. Nevada Equal Rights Commission (NRS 233.030)**

The Nevada Equal Rights Commission (NERC) was established in 1961. NERC is to work to improve understanding among demographic groups, study problems, seek cooperation in educational campaigns, and work with federal and State agencies to carry out its responsibilities. The Commission may order investigations, mediate among parties, issue subpoenas, hold hearings, and adopt regulations.

*Should the Nevada Equal Rights Commission be terminated?*

*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:*

- a. Does the Subcommittee want to recommend any changes concerning the Nevada Equal Rights Commission?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Nevada Equal Rights Commission?*

At its meeting on May 6, 2014, the Subcommittee considered NERC. According to testimony, NERC receives between 900 and 1000 complaints annually; most complaints relate to race, gender, or sexual orientation, and most actions filed are retaliation complaints. Because of staff vacancies, the wait time before meeting with an investigator can be up to five weeks. Approximately 46 percent of cases close within six months of filing. Because NERC contracts with the federal Equal Employment Opportunity Commission, they share information on cases. The Administrator reported that there is no mechanism in place for customer feedback.

The NERC does not have any recommendations for revisions.

If the Subcommittee wishes to recommend changes to the operations of the Commission, the Subcommittee may wish to consider the following:

Urge the NERC to establish a formal process for customer feedback.

This could be accomplished by:

1. Sending a letter to the Commission; and/or
2. Making a statement in the final report of the Subcommittee.



### **3. Nevada Commission for Women (NRS 233I.020)**

The Nevada Commission for Women was created in 1991. According to minutes of legislative committees, its purpose was to act as a clearinghouse for information for women and children and to organize community service programs.

The Commission is to consist of 10 members, appointed by the Governor. Members must reflect varied political philosophies. The Commission is charged to study the changing role of women in society, including socioeconomic influences. The Commission may also collect and disseminate information on activities, programs, and services available to women. The Commission produced a legal guide for women and a handbook for victims of domestic violence.

*Should the Nevada Commission for Women be terminated?*

*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:*

- a. Does the Subcommittee want to recommend any changes concerning the Nevada Commission for Women?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Nevada Commission for Women?*

The Subcommittee considered the Commission at its meeting on February 3, 2014. Records from the 1990s exist for meetings, a roster of members of the Commission, and reports and publications. The Office of the Governor, who is the appointing authority, confirms that it considers the Commission to be inactive.

If the Subcommittee wishes to make recommendations concerning the Commission, the Subcommittee may wish to consider the following:

- A. Send a letter to the Governor, urging the reactivation of the Commission;
- B. Recommend revisions to the provisions of Chapter 233I of the NRS, including the Commission's membership, the appointing authority, and the operations; and/or
- C. Recommend moving the Commission under the auspices of a State agency or department which would provide administrative support.

#### **4. Land Use Planning Advisory Council (NRS 321.740)**

The State Land Use Planning Advisory Council (SLUPAC) was created in 1973 as part of the larger issue of land use planning. The Executive Council to SLUPAC (NRS 321.755 to 321.770) was added in 1977 to decide land use planning conflicts between local governments and political subdivisions and to address areas of critical environmental concern. The members of SLUPAC include one representative from each county and a representative of the Nevada Association of Counties. Staff support is provided by the Division of State Lands.

*Should the Land Use Planning Advisory Council be terminated?*

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

*If the Subcommittee recommends that the Council should continue:*

*a. Does the Subcommittee want to recommend any changes concerning the Land Use Planning Advisory Council?*

*b. Does the Subcommittee want to recommend any changes to the duties of the Land Use Planning Advisory Council?*

At its meeting on March 4, 2014, the Administrator of the Division of State Lands informed the Subcommittee that SLUPAC provides a means for the counties to address issues in planning and development. The Advisory Council is a forum for the counties and a vehicle for the local governments to participate in discussions of land use planning. The Administrator identified issues that serve as examples of topics to come before the Advisory Council, including designation of endangered species, the impact of wild horses, urban development, renewable energy, and military base closings.

SLUPAC does not have any recommendations for revisions.

## **5. Executive Council of the Land Use Planning Advisory Council (NRS 321.755)**

The SLUPAC was created in 1973 as part of the larger issue of land use planning. The Executive Council to SLUPAC was added in 1977 to decide land use planning conflicts between local governments and political subdivisions and to address areas of critical environmental concern. The Executive Council consists of four members of SLUPAC, selected by its members. SLUPAC and the Executive Council are supported by the staff from the Division of State Lands.

*Nevada Revised Statutes* 321.763 provides that the Executive Council may adopt land use regulations to carry out its decisions when resolving inconsistencies in land use plans between two or more adjacent or overlapping local government entities. Further, pursuant to NRS 321.770, the Executive Council may propose land use regulations for planning policies in areas of critical concern; any such proposed regulation becomes effective only with the approval of the Governor.

*Should the Executive Council of the Land Use Planning Advisory Council be terminated?*

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

*If the Subcommittee recommends that the Executive Council should continue:*

- a. Does the Subcommittee want to recommend any changes concerning the Executive Council of the Land Use Planning Advisory Council?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Executive Council of the Land Use Planning Advisory Council?*

At its meeting on March 4, 2014, the Administrator of the Division of State Lands informed the Subcommittee that the members of the Executive Council are selected according to the SLUPAC bylaws, which do not require recognition of geographic distribution or population representation. All positions on the Executive Council were vacant at the time of the Subcommittee meeting; Assembly Bill 2 (Chapter 100, *Statutes of Nevada 2013*) provided that all terms of SLUPAC members would expire on December 31, 2013. New terms began on January 1, 2014. The election of the new Executive Council was scheduled to have taken place at the May 23, 2014 meeting of the Advisory Council.

The Executive Council is empowered to settle conflicts between adjacent local jurisdictions and in areas of critical concern. If it issues a land use regulation, it may also set an expiration date for that regulation. The Administrator indicated that the Executive Council had not exercised its regulatory authority during his tenure.

If the Subcommittee wishes to recommend changes to the operations of the Executive Council, the Subcommittee may wish to consider the following:

- A. Amend the NRS to provide that the membership of the Executive Council must ensure a geographic and population distribution among Nevada's counties;
- B. Amend the NRS to:
  - 1. Narrow or repeal the authority of the Executive Council to adopt land use regulations; or
  - 2. Transfer such authority to adopt land use regulations to the full Advisory Council.

**6. Board for the Education and Counseling of Displaced Homemakers  
(NRS 388.615)**

The Board for the Education and Counseling of Displaced Homemakers was added to the statutes in 1989. Earlier legislation, creating a center for services for displaced homemakers, expired by limitation in 1985. Within funds available, the Board is to establish centers to provide services, including counseling, employment skills, financial management, and referrals to community services. NRS 19.033 provides that a \$20 fee shall be added to any action to commence a divorce, which shall be placed in an account in the State General Fund to be administered by the Department of Employment, Training and Rehabilitation for these programs.

*Should the Board for the Education and Counseling of Displaced Homemakers be terminated?*

*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:*

- a. Does the Subcommittee want to recommend any changes concerning the Board for the Education and Counseling of Displaced Homemakers?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Board for the Education and Counseling of Displaced Homemakers?*

The Subcommittee considered the Board at its meeting on May 6, 2014. The Chair of the Board and individuals who had received benefits through Board-sponsored centers, discussed the effectiveness and importance of the programs for displaced homemakers.

The Board suggested revisions to include applying to dissolution of domestic partnerships the \$20 fee currently applied to any action to commence divorce proceedings. It also requested that the Board membership be revised to recognize that displaced homemakers who receive assistance and who successfully complete programs might pursue other work and academic programs, which prevent them from serving on the Board.

If the Subcommittee wishes to recommend changes to the operations of the Board, the Subcommittee may wish to consider the following:

- A. Amend NRS 19.033 to provide that the \$20 fee applied at the commencement of divorce proceedings shall also apply to the dissolution of domestic partnerships;

- B. Amend NRS 388.615 to provide that the member of the Board who represents displaced homemakers may be either a current or former displaced homemaker; and/or
- C. Urge the Board and DETR to develop a website for the displaced homemaker programs and centers. This could be accomplished by:
  - 1. Sending a letter to the Board and the Director of DETR; and/or
  - 2. Making a statement in the final report of the Subcommittee.

If the Subcommittee wishes to urge the Board to develop a website, it might request a report of the status of the development of a website by January 1, 2016.

**7. Advisory Committee to the Pharmacy and Therapeutics Committee and the Drug Use Review Board (NRS 422.4055)**

The Advisory Committee to the Pharmacy and Therapeutics Committee and the Drug Use Review Board was established in 2003 to ensure public input into the activities of the Pharmacy and Therapeutics (P&T) Committee and the Drug Use Review (DUR) Board. Members of the Advisory Committee include representatives of the American Association of Retired Persons, the Alliance for the Mentally Ill of Nevada, and the Statewide Independent Living Council.

*Should the Advisory Committee to the Pharmacy and Therapeutics Committee and the Drug Use Review Board be terminated?*

*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:*

- a. Does the Subcommittee want to recommend any changes concerning the Advisory Committee to the Pharmacy and Therapeutics Committee and the Drug Use Review Board?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Advisory Committee to the Pharmacy and Therapeutics Committee and the Drug Use Review Board?*

The Subcommittee considered the Advisory Committee at its meeting on May 6, 2014. A representative of the Division of Health Care Financing and Policy in the Department of Health and Human Services informed the Subcommittee that the Advisory Committee had served its purpose; both the P&T Committee and the DUR Board comply with Nevada's Open Meeting Law, which provides opportunity for public comment.

The representative recommended terminating the Advisory Committee.

**8. Board of Trustees of the Fund for the Institutional Care of the Medically Indigent (NRS 428.470)**

The Board of Trustees of the Fund for the Institutional Care of the Medically Indigent was created in 1997 as part of larger legislation to realign the responsibility for the Medicaid match for long-term indigent care from the local governments to the State. The Board consists of five county commissioners, nominated by the Nevada Association of Counties (NACO) and appointed by the Governor. The Fund was established to serve as a revenue pool to assist counties with their portion of the long-term care costs.

*Should the Board of Trustees of the Fund for the Institutional Care of the Medically Indigent be terminated?*

*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:*

- a. Does the Subcommittee want to recommend any changes concerning the Board of Trustees of the Fund for the Institutional Care of the Medically Indigent?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Board of Trustees of the Fund for the Institutional Care of the Medically Indigent?*

The Board was considered by the Subcommittee at its meeting on May 6, 2014. According to information presented in a memorandum from the Fiscal Analysis Division, LCB, General Fund appropriations were approved in 1997, 1999, and 2001. Beginning in 2003, with the approval of “stop-loss” measures, the state began to pay for the long-term care costs. The Fund became inactive.

The Board currently has no members. The NACO representative informed the Subcommittee that, because of the passage of Senate Bill 452 in 2013, money will be available to assist with long-term care of indigent persons. For that reason, NACO may wish to re-activate the Board.

If the Subcommittee wishes to make recommendations concerning the Board of Trustees, it may wish to consider the following:

Recommend continuation with a requirement that representatives of the Board, NACO, or DHHS report to the Subcommittee by January 1, 2016, regarding the status of the Board and the Fund. If the Board has not met and no funds are



available in the Fund at that time, the Subcommittee may wish to consider recommending termination.

## **9. Commission on Nuclear Projects (NRS 459.0091)**

The Nevada Commission on Nuclear Projects was added to the statutes in 1985. Its mission is to be informed on issues and developments relating to the disposal of radioactive waste, to report to the Governor and the Legislature, and to oversee the Agency for Nuclear Projects. Recently a federal district court has issued a directive to the Nuclear Regulatory Commission to restart the licensing proceedings on Yucca Mountain Nuclear Waste Repository.

*Should the Commission on Nuclear Projects be terminated?*

*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:*

- a. Does the Subcommittee want to recommend any changes concerning the Commission on Nuclear Projects?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Commission on Nuclear Projects?*

The Subcommittee considered the Commission at its meeting on May 6, 2014. The Chair reported that the Commission currently has no budget; its expenses are covered by the Nevada Agency for Nuclear Projects. The Chair of the Commission identified a problem with the definition of low-level nuclear waste as provided in federal statutes. The Chair recommended that the definition of high-level radioactive waste should be changed because it is too broad. The Chair noted that the Governor has established a task force that is working with the U.S. Department of Energy to resolve this issue.

The Commission had no recommendations for statutory revisions.

If the Subcommittee wishes to make recommendations concerning the issues raised during the review of the Commission, it may wish to consider the following:

Send a letter to the Chair of the Legislative Committee on High-Level Radioactive Waste (NRS 459.0085), recommending that in the interest of public safety the Committee introduce in the 78th Session a concurrent resolution urging the U.S. Congress to revise certain provisions of the Nuclear Waste Policy Act of 1982, as amended, relating to the definitions of high-level radioactive waste and low-level radioactive waste.

## **10. Advisory Board on Water Resources Planning and Development (NRS 540.111)**

The Advisory Board on Water Resources Planning and Development was created in 1989. Its purpose was to advise the Division of Water Planning. It worked to develop a State Water Plan in 1999. The Department of Conservation and Natural Resources dissolved the Division of Water Planning in 2000. The Division's programs were transferred to the Division of Water Resources. The Division of Water Planning was eliminated by the Legislature in 2005. The Office of the Governor, who is the appointing authority, confirms that it considers the Board to be inactive

*Should the Advisory Board on Water Resources Planning and Development be terminated?*

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

*If the Subcommittee recommends that the Advisory Board should continue:*

- a. Does the Subcommittee want to recommend any changes concerning the Advisory Board on Water Resources Planning and Development?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Advisory Board on Water Resources Planning and Development?*

The Subcommittee considered the Advisory Board at its meeting on February 3, 2014. A representative of the Division of Water Resources testified that water conservation plans are submitted to the office of the State Engineer by water utilities and other purveyors. Conservation districts also provide information to the State Engineer. Additional coordination of public participation concerning water resources is provided through the Drought Response Committee (DRC).

If the Subcommittee wishes to make recommendations concerning the Advisory Board, it may wish to consider the following:

- A. Recommend terminating the Advisory Board and transferring the duties of the Advisory Board relating to policies for water resources planning to the DRC, which would be established in statute; and/or
- B. Send a letter to the Governor and the DRC recommending that the DRC create more opportunities for public participation in the development of water planning and response to drought conditions.

## **11. State Apprenticeship Council (NRS 610.030)**

The State Apprenticeship Council (SAC) was added to the statutes in 1939. The Council has the authority to establish standards for programs and agreements, adopt regulations, and approve and discipline programs.

*Should the State Apprenticeship Council be terminated?*

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

*If the Subcommittee recommends that the Council should continue:*

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

On May 6, 2014, the Subcommittee considered the Council. Testimony was received that current Nevada statutes conform to federal regulations that existed in 1977 but do not conform to federal regulations adopted in 2008. According to testimony, to meet the new federal regulations the SAC must be revised to become advisory, while a new state apprenticeship agency must be created to administer apprenticeship programs. Federal recognition of Nevada's apprenticeship programs may eventually be dependent on compliance with federal regulations.

At the May 6 meeting, the Subcommittee received an addendum to the review form previously submitted by the Council. The addendum reported that at its meeting on May 2, 2014, the Council approved the following attachment to the review form:

The Nevada State Apprenticeship Council believes the statutory provisions of NRS 610 and NAC 610 that govern the Council are beneficial and allow the Council to carry out its objectives and programs. However, the Federal Office of Apprenticeship has advised the Council that in order to continue to be recognized as the Registration Agency for Federal purposes in the State of Nevada, the provisions of NRS 610 and NAC 610 would need to be revised to bring them into conformity with 29 CFR part 29 and 29 CFR part 30. If the Council decides to pursue conformity with federal regulations, some of the provisions of NRS 610 and NAC 610 would need to be revised.

The Council's Action Plan indicates that the Council will hold a workshop in August 2014 to discuss revisions to Nevada's apprenticeship laws and regulations. At the Subcommittee's meeting, Council members urged continuation of the Council in its present regulatory role.

If the Subcommittee wishes to make recommendations concerning the Council, it may wish to consider the following:

Urge the State Apprenticeship Council and the Labor Commissioner to work with the U.S. Secretary of Labor to identify changes that must be made to obtain federal recognition of Nevada's apprenticeship programs while maintaining the role of the Council. This recommendation might be accomplished by:

1. Sending a letter to the Governor with copies to the Labor Commissioner and the State Apprenticeship Council; and/or
2. Including a statement in the final report of the Subcommittee.

If the Subcommittee wishes to urge the Council and the Labor Commissioner to work to reach accommodations with the Secretary of Labor, it might request a report of the status of those efforts, prior to the convening of the 78th Session of the Legislature.

## **12. Nevada Employment Security Council (NRS 612.305)**

Nevada Employment Security Council was added to the statutes in 1941. The Council is to advise the Administrator of the Employment Security Division (ESD) on unemployment, worker training, establishment of reserves for public works, and research studies on these topics. The Council is also to advise the Administrator whenever it believes that a change in contribution or benefit rates is necessary to protect the solvency of the Unemployment Compensation Fund. The Board of Review, consisting of three members of the Council appointed by the Governor, is authorized to review decisions from the ESD on appeal.

*Should the Nevada Employment Security Council be terminated?*

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

*If the Subcommittee recommends that the Council should continue:*

- a. Does the Subcommittee want to recommend any changes concerning the Nevada Employment Security Council?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Nevada Employment Security Council?*

The Subcommittee considered the Council at its meeting on May 6, 2014. The Administrator reported that in recent years the Council has focused its advice on setting unemployment insurance rates. The Council is scheduled to meet on May 27, 2014, to discuss worker training.

The Subcommittee also received information that the Board of Review, consisting of three members of the Council, are individuals with experience who have worked in the Employment Security Division for a long time.

The Council made no recommendations for consolidation or revisions to its governing statutes.

If the Subcommittee wishes to make recommendations concerning the Council, it may wish to consider the following:

- A. Amend the NRS to provide criteria to be met for appointment of Council members to the Board of Review; and/or

- B. Amend NRS 612.310 to revise the duties of the Council by repealing those duties that the Council does not perform, which would align the Council's duties with current practice.

### **13. Board of Hearing Aid Specialists (NRS 637A.030)**

The Board of Hearing Aid Specialists was established in 1973 to license dispensers of hearing aids. The Board shall administer and enforce the provisions of Chapter 637A of the NRS and examine applicants. It may also issue licenses, discipline licensees, and establish requirements for applicants including continuing education.

*Should the Board of Hearing Aid Specialists be terminated?*

*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:*

- a. Does the Subcommittee want to recommend any changes concerning the Board of Hearing Aid Specialists?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Board of Hearing Aid Specialists?*

The Subcommittee considered the Board at its meeting on April 8, 2014. At that time, the Chair of the Board expressed concern regarding a proposal, offered by the Board of Examiners for Audiology and Speech Pathology, to merge the two boards. The Chair testified that the hearing aid specialists anticipate fee increases, if the boards were to merge, and a diminished voice on a new board.

The Board proposed two statutory changes: (1) provide for a temporary license to individuals coming into Nevada who are licensed in other states, and (2) raise the ceiling on fees to allow for an increase in the exam fee.

If the Subcommittee wishes to make recommendations concerning the Board, it may wish to consider the following:

- A. Recommend merging the Board of Hearing Aid Specialists with the Board of Examiners for Audiology and Speech Pathology; and/or
- B. Amend Chapter 637A of the NRS to comply with administrative procedures as provided in Chapters 233B, 622 and 622A of the NRS.

In addition, the Subcommittee may wish to consider recommendations or comments relevant to the proposed statutory changes submitted by the Board of Hearing Aid Specialists, including the following:



- C. Amend the NRS to provide for a temporary license to an individual whose license or certificate issued in another state is in good standing; and/or
- D. Amend NRS 637A to increase the limitation on fees.

#### **14. Board of Examiners for Audiology and Speech Pathology (NRS 637B.100)**

The Board of Examiners for Audiology and Speech Pathology was created in 1979 to ensure professional standards and consumer protection. The Board has the authority to issue licenses, conduct examinations, set standards of ethical conduct, charge and collect fees as provided by the NRS, investigate complaints and take disciplinary actions, inspect premises, and adopt regulations.

*Should the Board of Examiners for Audiology and Speech Pathology be terminated?*

*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:*

- a. Does the Subcommittee want to recommend any changes concerning the Board of Examiners for Audiology and Speech Pathology?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Board of Examiners for Audiology and Speech Pathology?*

At its meeting on April 8, 2014, the Subcommittee reviewed the Board. A representative testified that an audiologist who dispenses hearing aids must get licenses from this Board as well as the Board of Hearing Aid Specialists. The representative testified that a number of states have merged the boards that license audiologists with the boards that license hearing aid dispensers.

The representative reported that the Board plans to seek legislation in the 2015 Session to revise Chapter 637B of the NRS. The draft legislation proposes to permit audiologists to dispense hearing aids. It also recommends creation of a new license for speech therapists and a provisional license, authorization to telepractice, and other administrative changes. The Board also indicated that substantive changes have not been made since 1979.

The representative identified to the Subcommittee three options: (1) retain the present separate boards, (2) expand the scope of practice of audiologists so that they can dispense hearing aids independent of the Board of Hearing Aid Specialists, or (3) merge the two boards.

If the Subcommittee wishes to make recommendations concerning the Board, it may wish to consider the following:

- A. Recommend merging the Board of Examiners for Audiology and Speech Pathology with the Board of Hearing Aid Specialists; and/or
- B. Amend Chapter 637B of the NRS to comply with administrative procedures as provided in Chapters 233B, 622 and 622A of the NRS.

In addition, the Subcommittee may wish to consider recommendations or comments relevant to the proposed legislation submitted by the Board of Examiners for Audiology and Speech Pathology, including the following:

- C. Amend the NRS to authorize the Board of Examiners of Audiology and Speech Pathology to permit licensed audiologists to dispense hearing aids, based upon demonstrated training and experience.

**15. State and Local Government Panel on Renewable and Efficient Energy  
(NRS 701.450)**

The State and Local Government Panel on Renewable and Efficient Energy was added to the NRS in 2009. It is to consist of the Director of the Office of Energy and seven members appointed by the Director, including representatives of various State agencies, the Nevada Association of Counties, the Nevada League of Cities, and the Nevada Association of School Boards. The Director may appoint up to three additional members who represent public agencies and private industries. Its purpose is to advise on the retrofitting of public buildings.

*Should the State and Local Government Panel on Renewable and Efficient Energy be terminated?*

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

*If the Subcommittee recommends that the Panel should continue:*

- a. Does the Subcommittee want to recommend any changes concerning the State and Local Government Panel on Renewable and Efficient Energy?*
- b. Does the Subcommittee want to recommend any changes to the duties of the State and Local Government Panel on Renewable and Efficient Energy?*

The Subcommittee reviewed the Panel at its March 4, 2014 meeting. Although the Panel is considered inactive, the Deputy Director of the Office of Energy testified to the Subcommittee that the Office of Energy is considering ways to activate the Panel and use it in the future.

On May 15, 2014, Paul A. Thomsen, Director, Governor's Office of Energy, submitted a recommendation to terminate the Panel.

## **16. Nevada Transportation Authority (NRS 706.511)**

The Nevada Transportation Authority (NTA) has the duty to regulate certain carriers, operators of tow cars, and brokers of regulated services. Its responsibilities include processing applications, enforcement of regulations, and ensuring compliance. The NTA regulates all taxicabs outside of Clark County.

The NTA shall enforce standards of safety for common and contract carriers subject to its authority; adopt regulations relating to fares, rates, and classifications; and review decisions of the Taxicab Authority on appeal. The NTA may make regulations to govern the administration of Chapter 706 of the NRS, adopt by reference any appropriate rule or regulation of the U.S. Department of Transportation, 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 shall adopt rules and regulations relating to the storage of household goods.

*Should the Nevada Transportation Authority be terminated?*

*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:*

- a. Does the Subcommittee want to recommend any changes concerning the Nevada Transportation Authority?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Nevada Transportation Authority?*

The Subcommittee reviewed the NTA at its meeting on April 8, 2014. The Chair of the Authority noted that the NTA has three operational areas: applications, enforcement, and compliance. The Chair testified that the NTA has no statutory authority to assess any vehicle fees or licensing fees to certain intrastate operators, including charter bus operators and household goods movers. With regard to taxicabs, the Chair indicated the taxicab system operating in Clark County is quite different from that regulated by the NTA outside of Clark County; consolidation would require significant policy decisions.

The NTA had no recommendations for statutory changes.