

## MEETING NOTICE AND AGENDA

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

Date and Time of Meeting: Tuesday, April 8, 2014  
8:30 a.m.

Place of Meeting: Grant Sawyer State Office Building, Room 4412  
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](#)."*

**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  
Assemblywoman Irene Bustamante Adams, Chair

II. Public Comment  
(Because of time considerations, the period for public comment by each speaker may be limited, and speakers are urged to avoid repetition of comments made by previous speakers.)

*For  
Possible  
Action*

III. Approval of Minutes of the Meeting Held on March 4, 2014, in Las Vegas, Nevada

*For  
Possible  
Action*

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

- A. Nevada Commission on Homeland Security (NRS 239C.120)
- B. Medical Care Advisory Group (NRS 422.151)
- C. Committee for the Statewide Alert System (NRS 432.350)
- D. State Predatory Animal and Rodent Committee (NRS 567.020)
- E. Board of Hearing Aid Specialists (NRS 637A.030)
- F. Board of Examiners for Audiology and Speech Pathology (NRS 637B.100)

- G. Board of Examiners for Long-Term Care Administrators (NRS 654.050)
- H. Nevada Transportation Authority (NRS 706.1511)

*For  
Possible  
Action*

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

- A. Advisory Committee on Participatory Democracy (NRS 225.240)
- B. Advisory Committee Concerning the Children’s Health Insurance Program (NRS 233A.104)
- C. Committee to Approve Schedules for the Retention and Disposition of Official State Records (NRS 239.073)
- D. State Historical Records Advisory Board (NRS 378A.030)
- E. Rural Advisory Board to Expedite Proceedings for the Placement of Children (NRS 432B.602)
- F. Advisory Committee on the Arthritis Prevention and Control Program (NRS 439.503)

VI. Public Comment

**(Because of time considerations, the period for public comment by each speaker may be limited, and speakers are urged to avoid repetition of comments made by previous speakers.)**

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)*

**WORK SESSION  
DOCUMENT**



**April 8, 2014**

Prepared by the Research Division  
Legislative Counsel Bureau



## **WORK SESSION DOCUMENT**

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

**April 8, 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 Committee on Participatory Democracy (NRS 225.240)**

The Advisory Committee on Participatory Democracy (ACPD) was created in 1997 in the Department of Cultural Affairs for the purpose of providing assistance to increase public participation in elections and other civic activities. In 2003, the ACPD was moved to the Office of the Secretary of State. It was also charged with designating the recipient of the Jean Ford Democracy Award. At one time, ACPD received a grant from the federal Help America Vote Act (HAVA). Currently it has no staff, receiving assistance from the staff of the Office of the Secretary of State.

*Should the Advisory Committee on Participatory Democracy be terminated?*

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

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

- a. Does the Subcommittee want to recommend any changes concerning the Advisory Committee on Participatory Democracy?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Advisory Committee on Participatory Democracy?*

At the March 4, 2014, meeting, the Deputy Secretary of State informed the members that the Secretary of State wishes the ACPD to continue. It has exceeded past goals for voter registration and participation. In 2013, an informal group of volunteers was assembled to select the recipient of the Jean Ford Democracy Award. The ACPD had previously benefited from a grant through HAVA, but it currently has no funds to assist members with travel expenses. It is hoped that new members will be appointed by May of this year, so that they may set goals for participation in the 2014 election process.

Although a group was assembled to select the recipient of the Jean Ford Democracy Award in 2013, all positions on the ACPD have been vacant recently. The Deputy Secretary of State testified that the Secretary anticipates that the ACPD will be functioning in time to set goals for the 2014 General Election.

According to the Fiscal Analysis Division, it has a balance in Budget Account 101-1056 of \$51.

In a letter to the Chair and members of the Sunset Subcommittee, the Secretary of State:

- Requested continuation of the Advisory Committee; and
- Recommended that, if the Subcommittee wishes to recommend statutory changes, it might consider repealing some of requirements governing operations of the Committee to allow the Secretary of State and the members of ACPD more flexibility in determining its functions and operations.

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**Summary of the composition, duties, and operations of the ACPD: NRS 225.200 to 225.270**

**Advisory Committee members** (NRS 225.240): The Advisory Committee consists of 10 members:

- The Secretary of State or designee, and
- Nine others appointed by the Secretary, who shall consider political, geographical, and demographical factors when appointing members.

Each member shall serve for a term of 3 years.

**Powers and duties of the Advisory Committee** (NRS 225.250): The Advisory Committee shall:

- Assist the Secretary in identifying and proposing programs that support participatory democracy and solutions relating to problems concerning levels of participation;
- Make recommendations concerning programs or other activities designed to increase participation;
- Establish the “Jean Ford Democracy Award” to honor those who serve to promote participation (Jean Ford was an Assemblywoman [1972-1976] and Senator [1978-1982]);
- Support projects at all levels of government that encourage participation; and
- Advise the Secretary and the Governor concerning proclamations issued to recognize Constitution Week and Constitution Day (NRS 236.035).

To assist it in carrying out its duties, the Advisory Committee may establish a panel of representatives of various groups involved in improving participatory democracy.

**Operations of the Advisory Committee** (NRS 225.240 to 225.270):

- The Secretary shall appoint the Chair and designate staff to assist.
- The Advisory Committee shall meet quarterly.
- The Secretary may apply for grants and other funds to support the Advisory Committee.

## **2. Advisory Committee Concerning the Children's Health Insurance Program (NRS 233A.104)**

The Advisory Committee Concerning the Children's Health Insurance Program was established in 1999 at the request of the Legislative Committee on Health Care. It recommended the creation of the Advisory Committee to facilitate enrollment of Native American children in Nevada Check-Up. The Advisory Committee was intended to advise the Nevada Indian Commission, which would in turn advise the Division of Health Care Financing and Policy of its concerns.

*Should the Advisory Committee Concerning the Children's Health Insurance Program be terminated?*

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

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

- a. Does the Subcommittee want to recommend any changes concerning the Advisory Committee Concerning the Children's Health Insurance Program?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Advisory Committee Concerning the Children's Health Insurance Program?*

At the March 4, 2014, meeting of the Subcommittee, the Executive Director of the Nevada Indian Commission testified that the Advisory Committee has been inactive since 2003, principally because consultation between the tribes and the Department of Health and Human Services (DHHS) has improved. She suggested that the Advisory Committee has served its purpose and could be terminated.

### **3. Committee to Approve Schedules for the Retention and Disposition of Official State Records**

The Committee to Approve Schedules for Retention and Disposition of Official State Records (NRS 239.073 to 239.090) was added to the NRS in 1993. Prior to that, the State Board of Examiners approved the retention schedule for official state records. The Committee is composed of ex officio members and one public member. The Committee reviews and approves schedules for retention and disposition of official records of each agency, board, and commission and advises the Division of State Library and Archives concerning the development and use of schedules.

*Should the Committee to Approve Schedules for the Retention and Disposition of Official State Records 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 Committee to Approve Schedules for the Retention and Disposition of Official State Records?*

*b. Does the Subcommittee want to recommend any changes to the duties of the Committee to Approve Schedules for the Retention and Disposition of Official State Records?*

At its meeting on March 4, 2014, the Subcommittee was informed that public bodies must retain written minutes of meetings in a readily accessible location for five years, after which they are to transfer minutes to the State Archives. The members were informed that the Committee receives recommendations from public bodies regarding records retention schedules. The Nevada State Library and Archives prepares a retention schedule, which is submitted to the Committee for review and approval.

To address the issue of providing a penalty for any disposition of official state records in a manner contrary to an approved schedule for retention and disposition, the Subcommittee may wish to consider the following:

Recommend amending the NRS to provide for a penalty that is civil, criminal, or administrative, or some combination of these penalties, depending upon the manner of disposition of a record, which may include destruction of a record rather than retention, or destruction of the record sooner than is permitted by an approved schedule, or some other disposition not provided for by an approved schedule.



#### **4. State Historical Records Advisory Board (NRS 378A.030)**

The State Historical Records Advisory Board was first created in 1976 and attached to the Nevada Advisory Council on Libraries in order to qualify for federal funds to preserve State historical records. The Board was established in the NRS in 1989. The Board advises State and local governments, including the Legislative Counsel Bureau, on historical records.

*Should the State Historical Records Advisory Board 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 State Historical Records Advisory Board?*
- b. Does the Subcommittee want to recommend any changes to the duties of the State Historical Records Advisory Board?*

At the March 4, 2014, meeting, the Chair of the Board testified that no historical documents are destroyed unless approved by the Board, the members of which are appointed by the Governor pursuant to statute to include persons knowledgeable in historical records and archival work.

According to the Fiscal Analysis Division, the activities of the Advisory Board are funded out of a special purpose expenditure category in the State Archives main budget account, 101-1052, rather than in a standalone budget account. There have been \$2,792 in Fiscal Year 2014 year-to-date recorded expenditures.

To address the issue of electronic storage of official and historical State records, the Subcommittee may wish to consider the following:

Urge the State Historical Records Advisory Board to prepare a report on electronic storage of State records to be submitted to the Governor and the Legislative Commission, prior to the convening of the 2015 Session of the Legislature. The report should include models and their estimated costs to implement. This recommendation could take the form of:

- a letter to the Chair of the State Historical Records Advisory Board; or
- a statement in the Subcommittee's final report; or
- both.

## **5. Rural Advisory Board to Expedite Proceedings for the Placement of Children (NRS 432B.602)**

The Rural Advisory Board to Expedite Proceedings for the Placement of Children was established in 1999. The Board is charged to review adoption issues and to move children out of foster care as soon as possible. The district courts in rural counties (judicial districts with populations of less than 100,000) are to establish local advisory boards to expedite proceedings. From each local advisory board, the district court is to appoint two members to serve on the Rural Advisory Board. The Division of Child and Family Services (DCFS), DHHS, is to provide administrative support as requested by the Board.

*Should the Rural Advisory Board to Expedite Proceedings for the Placement of Children 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 Rural Advisory Board to Expedite Proceedings for the Placement of Children?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Rural Advisory Board to Expedite Proceedings for the Placement of Children?*

At the February 3, 2014, meeting, the Deputy Division Administrator for DCFS, DHHS, confirmed that the Rural Advisory Board does not meet.

A memorandum from Subcommittee staff and a letter from the Deputy Administrator, DCFS, providing information in response to questions raised during the review, are included in the supporting documents to this work session document.

## **6. Advisory Committee on the Arthritis Prevention and Control Program (NRS 439.503)**

The Arthritis Prevention and Control Program was established in 2003 within the Division of Public and Behavioral Health to increase public knowledge and raise public awareness relating to arthritis. The Advisory Committee on the Arthritis Prevention and Control Program was also created in 2003 to make recommendations about the Program. The Program and the Advisory Committee were to provide a statutory structure to demonstrate the State's commitment to funding sources, such as the Centers for Disease Control and Prevention and the Arthritis Foundation.

*Should the Advisory Committee on the Arthritis Prevention and Control Program be terminated?*

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

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

- a. Does the Subcommittee want to recommend any changes concerning the Advisory Committee on the Arthritis Prevention and Control Program?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Advisory Committee on the Arthritis Prevention and Control Program?*

At its meeting on February 3, 2014, the Subcommittee was informed that no records of the Advisory Committee are available. The Chief of the Bureau of Child, Family, and Community Wellness stated that the Advisory Council on the State Program for Wellness and the Prevention of Chronic Disease (CWCD) has similar goals and could advise on these issues. She also noted that, due to a lack of funding and staff capacity, DHHS would recommend sunsetting this Committee.

According to the Fiscal Analysis Division, the Advisory Committee has never been a standalone budget account or activity. The Advisory Committee was established to provide assistance to the Administrator of the Division of Public and Behavioral Health, which is permitted to apply for grants and accept gifts. No General Fund appropriations have been provided. Federal grant funds were received and expended in Health Division Budget Account 101-3220. This is still an active budget account for chronic disease control activities.

If the Subcommittee wishes to recommend the termination of the Advisory Committee on the Arthritis Prevention and Control Program, it may wish to consider the following:

- A. Recommend amending the NRS to provide that the CWCD study issues relating to arthritis and make recommendations to the Division of Public and Behavioral Health concerning the Arthritis Prevention and Control Program.

- B. Send a letter to the Director of the Department of Health and Human Services, requesting that he report to the Sunset Subcommittee by January 1, 2016, on activities of the CWCD with regard to the Arthritis Prevention and Control Program.

An email, indicating the Division of Public and Behavioral Health will utilize the CWCD as an advisory committee on arthritis prevention and control, is included in the supporting documents to this work session document.