

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, March 27, 2012
9:30 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 "Live Meetings – Listen or 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. 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

II. Approval of Minutes from the February 27, 2012, Meeting
Assemblywoman Bustamante Adams, Chair

For Possible Action

III. Public Hearing Concerning Termination, Modification, Consolidation or Continued Operation of Certain Entities Pursuant to *Nevada Revised Statutes* (NRS) 232B.240

- A. Nevada State Board of Veterinary Medical Examiners (NRS 638.020)
- B. Advisory Council on the State Program for Fitness and Wellness (NRS 439.518)
- C. Nevada Commission on Sports (NRS 233H.020)
- D. Board of Athletic Trainers (NRS 640B.170)
- E. Nevada State Board on Geographic Names (NRS 327.110)
- F. Credit Union Advisory Council (NRS 678.290)
- G. Advisory Council on Mortgage Investments and Mortgage Lending

(NRS 645B.860)

H. Board of Wildlife Commissioners (NRS 501.167)

I. Committee on Anatomical Dissection (NRS 451.360)

*For
Possible
Action*

IV. Further Consideration of Boards, Commissions, and Similar Entities Selected for Review and Revisions to List or Schedule

Lorne J. Malkiewich, Director, Legislative Counsel Bureau

*For
Possible
Action*

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

A. Commission on Postsecondary Education (NRS 394.383)

B. Well Drillers’ Advisory Board (534.150)

C. Gaming Policy Committee (463.021)

The “Work Session Document” is attached below and contains recommendations proposed at this and other meetings of the Sunset Subcommittee of the Legislative Commission during the 2011-2012 Legislative Interim. The document is also available on the Subcommittee’s Webpage (Sunset Subcommittee of the Legislative Committee [NRS 232B.210]) or a written copy may be obtained by contacting Marji Paslov Thomas, Principal Research Analyst, Research Division, Legislative Counsel Bureau, at (775) 684-6825.

*For
Possible
Action*

VI. Election of Vice Chair

Assemblywoman Bustamante Adams, Chair

VII. Scheduling of Future Meetings

Assemblywoman Bustamante Adams, Chair

VIII. 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.)

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 Administrative Division of the Legislative Counsel Bureau, in writing, at the Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747, or call the Administrative Division at (775) 684-6800 as soon as possible.

Notice of this meeting was posted in the following Carson City, Nevada, locations: Bladel 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 and 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.

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

**WORK SESSION
DOCUMENT**



March 27, 2012

Prepared by the Research Division
Legislative Counsel Bureau



WORK SESSION DOCUMENT

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

March 27, 2012

The following "Work Session Document" has been prepared by the Chair and staff of the Sunset Committee of the Legislative Commission (*Nevada Revised Statutes* [NRS] 232B.210). It is designed to assist the Subcommittee members in determining whether a Board or Commission should 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, where 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 Lorne Malkiewich, Director, LCB, at 775/684-6800 or by electronic mail at malkiewich@lcb.state.nv.us.

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

1. **Commission on Postsecondary Education** (NRS 394.383) - The Commission is responsible for the oversight and regulation of the private postsecondary school industry.

Should the Commission on Postsecondary Education 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 Postsecondary Education?*
- b. *Does the Subcommittee want to recommend any changes to the duties of the Commission on Postsecondary Education?*

At the February 27, 2012, meeting, members of the Subcommittee discussed the following possible modifications to the Commission on Postsecondary Education;

1. Amend NRS 394.480 to require that the Commission on Postsecondary Education increase the amount of a surety bond to \$1 million or in a greater amount determined by the Commission for a period that the Commission determines is appropriate if a postsecondary educational institution poses a financial risk to the students who are enrolled in the institution.
2. Amend the NRS to extend the jurisdiction of the Commission on Postsecondary Education to institutions that offer postsecondary educational training to licensees of occupational and professional licensing boards or commissions.

Note: At the February 27, 2012, meeting, members of the Subcommittee requested clarification on the jurisdiction of the Commission on Postsecondary Education.

- The Legal Division, LCB, notes that although the Commission on Postsecondary Education is the sole authority for licensing a postsecondary educational institution and any person who operates or claims to operate such an institution in this state must be licensed by the Commission (NRS 394.415), NRS 394.099 defines the term "postsecondary educational institution" as used in NRS 394.415 to exclude a postsecondary educational institution that is licensed by another state agency. Therefore, if a postsecondary educational institution is licensed by an occupational licensing board in this state that institution would not fall within the jurisdiction of the Commission on Postsecondary Education and the Commission would not be allowed to license the institution.

2. **Well Drillers' Advisory Board** - (NRS 534.150) - The purpose of the Board is to determine the qualifications of an applicant as a well driller and to submit its findings to the State Engineer. It may also determine whether a licensed well driller is complying with the laws or regulations pertaining to well drilling.

Should the Well Drillers' Advisory Board 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 determines the Board should continue:

- a. *Does the Subcommittee want to recommend any changes concerning the licensing of well drillers by the Well Drillers' Advisory Board and the State Contractors' Board?*
- b. *Does the Subcommittee want to recommend any changes concerning the duties of the Groundwater Board and the Well Drillers' Advisory Board?*

Note: At the meeting on February 27, 2012, members of the Subcommittee asked if the licensing of well drillers by the Well Drillers' Advisory Board and licensing of well drillers by the State Contractors' Board is duplicative.

- The Legal Division, LCB, notes that Subsections 1 through 7 of NRS 534.140 provide for the annual licensing of well drillers by the State Engineer for the privilege of drilling wells for the development of water in this state. The qualifications for such a license are determined pursuant to NRS 534.150 by either

a statewide or regional Well Driller's Advisory Board or the State Engineer if such a board has not been created.

Subsection 8 of NRS 534.140 requires a well driller who is the owner, lessee, renter or purchaser of a well-drilling rig to obtain a license as a well driller from the State Contractors' Board. NAC 624.400 provides for the issuance of a classification C-23 license by the State Contractors' Board, which authorizes the holder of the license to install and repair water wells, pressure tanks, storage tanks and pumps by boring, drilling, excavating, casing, cementing, dewatering and cleaning to provide a supply of uncontaminated water.

- Margi Grein, Executive Officer, State Contractors' Board, also submitted information to the Subcommittee concurring in the opinion of the Legal Division.

Note: At the February 27, 2012, meeting, members of the Subcommittee asked if the Groundwater Board (as established in NRS 534.035) and the Well Drillers' Advisory Board have overlapping duties or do they relate to separate actions? If the Boards are related, is there any unnecessary dual approval?

- According to the Legal Division, LCB, NRS 534.035 authorizes the establishment of groundwater boards which must be consulted by the State Engineer before the State Engineer approves any application or issues any permit to drill a well, appropriate groundwater, change the place or manner of use or the point of diversion of water within the groundwater basin served by the board.

The State Engineer is authorized to appoint a statewide Well Driller's Advisory Board or several regional boards. The purpose of the board or boards is to determine the qualifications of an applicant as a well driller and to serve the State Engineer in an advisory capacity in matters relating to the licensing of well drillers (NRS 534.150).

Because the groundwater boards are concerned with permits for physically drilling wells and the appropriation of water and the well driller's advisory board or boards are concerned with the suitability of the persons who drill the wells, the jurisdictions of the two types of boards do not appear to overlap.

- 3. Gaming Policy Committee (NRS 463.021)** - The purpose of the Committee is to discuss gaming policy. Any recommendations made by the Committee are advisory and not binding on the State Gaming Control Board or the Nevada Gaming Commission in the performance of their duties and function.

Should the Gaming Policy Committee 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 determines that Committee should continue:

- a. Does the Subcommittee want to recommend any changes concerning the Gaming Policy Committee?*
- b. Does the Subcommittee want to recommend any changes concerning the duties of the Gaming Policy Committee?*

At the February 27, 2012, meeting, members of the Subcommittee stated that if they recommend terminating the Gaming Policy Committee, the duties of the Review Panel of the Committee must be assigned to another entity or the existing statutes must be modified. Under the provisions of NRS 463.021(6) and NRS 463.3088, the Review Panel of the Committee has specific duties relating to gaming enterprise districts.