

# Sunset Subcommittee of the Legislative Commission



**Bulletin No. 13-17**

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**SUNSET SUBCOMMITTEE OF THE  
LEGISLATIVE COMMISSION**

**BULLETIN NO. 13-17**

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## SUMMARY OF RECOMMENDATIONS

### SUNSET SUBCOMMITTEE OF THE LEGISLATIVE COMMISSION

*Nevada Revised Statutes 232B.210*

This summary presents the recommendations approved by the Sunset Subcommittee of the Legislative Commission at its final work session meeting held on June 25, 2012. The recommendations will be submitted to the Legislative Commission for its consideration and possible inclusion in a bill draft request to be forwarded to the 2013 Legislature.

#### Entities Continued

Advisory Council on Mortgage Investments and Mortgage Lending  
Advisory Council on the State Program for Fitness and Wellness  
Alfalfa Seed Advisory Board  
Board for the Regulation of Liquefied Petroleum Gas  
Board of Athletic Trainers  
Board of the Public Employees' Benefits Program  
Central Committee of Nevada State Grazing Boards  
Commission on Postsecondary Education  
Committee on Health Benefit Plans  
Gaming Policy Committee  
Garlic and Onion Growers' Advisory Board  
Nevada Athletic Commission  
Nevada State Board of Veterinary Medical Examiners  
Nevada State Board on Geographic Names  
Pharmacy and Therapeutics Committee  
Police and Firefighters' Retirement Fund Advisory Committee  
State Barbers' Health and Sanitation Board  
State Board of Agriculture  
State Board of Cosmetology

#### Entities Continued With Further Recommendations

Board of Wildlife Commissioners  
Commission on Ethics  
Committee on Anatomical Dissection  
Credit Union Advisory Council  
State Board of Oriental Medicine  
State Grazing Boards  
Well Drillers' Advisory Board

Entities Terminated

Committee on Co-Occurring Disorders  
Nevada Commission on Sports

Entities Terminated With Functions Transferred

Nevada State Funeral Board

**REPORT TO THE LEGISLATIVE COMMISSION  
BY THE SUNSET SUBCOMMITTEE OF THE  
LEGISLATIVE COMMISSION**

**I. INTRODUCTION**

The Sunset Subcommittee is a permanent subcommittee of the Legislative Commission whose authorization and duties are set forth in Chapter 232B, “Legislative Review of Public Agencies,” of the *Nevada Revised Statutes* (NRS). Created in 2011 with the enactment of Senate Bill 251 (Chapter 480, *Statutes of Nevada*), the Subcommittee is responsible for conducting reviews of all boards and commissions in Nevada that are not provided for in the *Nevada Constitution* or established by an Executive Order of the Governor. The Subcommittee is charged with determining whether those entities should be terminated, modified, consolidated with another board or commission, or continued. The Subcommittee must make its initial recommendations, if any, on or before June 30, 2012, for improving the boards, commissions, or other similar entities that are to be modified, consolidated, or continued. The Subcommittee must make all subsequent recommendations, if any, on or before June 30 of each even-numbered year occurring thereafter. The creation of the Subcommittee, its membership, powers, and duties, are codified in NRS 232B.210 through 232B.250. (See Appendix A for a copy of these statutes.)

During the 2011-2012 Interim, members of the Subcommittee included the following legislators and nonlegislators, who were appointed by the Chair of the Legislative Commission from among the names of nominees submitted by the Governor:

Assemblywoman Irene Bustamante Adams, Chair  
Senator Ruben J. Kihuen  
Senator John J. Lee<sup>1</sup>  
Senator Sheila Leslie, who later resigned from the Senate  
Senator James A. Settelmeyer  
Assemblywoman Maggie Carlton  
Assemblyman Richard McArthur  
Barbara Smith Campbell  
David Goldwater  
Frank Partlow

Legislative Counsel Bureau (LCB) staff services for the Subcommittee were provided by Marjorie Paslov Thomas, Principal Research Analyst; Scott Young, Managing Principal Policy Analyst; and Janet Coons, Senior Research Secretary, of the Research Division;

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<sup>1</sup> Senator Sheila Leslie resigned from office on February 14, 2012. Senator Lee was appointed by the Majority Leader of the Senate to replace Senator Leslie.

Sara L. Partida, Principal Deputy Legislative Counsel, of the Legal Division; Rick Combs, Assembly Fiscal Analyst, of the Fiscal Analysis Division (now Director, LCB); Lorne J. Malkiewich<sup>2</sup>, Director, LCB; and Jeanne Peyton, Secretary, of the Administrative Division.

## **II. SUMMARY OF THE 2011-2012 SUNSET SUBCOMMITTEE'S ACTIVITIES**

The Subcommittee held six meetings in Las Vegas, Nevada, including four work sessions, during the 2011-2012 Interim. All of the hearings were conducted through simultaneous videoconferences between legislative meeting rooms in the Grant Sawyer State Office Building in Las Vegas and the Legislative Building in Carson City. One meeting was also videoconferenced to the Great Basin College in Elko, Nevada. Pursuant to the Subcommittee's charge in NRS 232B.220, the members selected and reviewed 29 boards, commissions, and similar entities. The members heard a series of in-depth briefings on each of the entities. The following are summaries of the Subcommittee's activities at each meeting, with the Subcommittee's final recommendation in italics:

### November 17, 2011

The Subcommittee's first meeting was held on November 17, 2011. Members of the Subcommittee were provided a list of boards, commissions, and similar entities compiled using the Nevada State Government Organizational Chart from the *Nevada Legislative Manual*. The members selected 37 entities for consideration during the interim. (See Appendix B for a complete list of the selected entities.) However, it was later decided to review only 29 of the entities this interim.

Pursuant to NRS 232B.230, each board and commission must submit certain information about itself and how it operates to the Subcommittee. Therefore, staff prepared a form titled "Information Concerning Board or Commission Subject to Review by the Sunset Subcommittee of the Legislative Commission," which was approved by the Subcommittee. The form requires a board or commission to include information on income, expenses, and reserves; minutes of meetings; citations of the *Nevada Administrative Code* sections adopted by the board or commission; copies of any legislative audits; and any civil or criminal actions taken by or against the board or commission.

### February 27, 2012

The Subcommittee's second meeting was held on February 27, 2012. The members heard from the following entities:

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<sup>2</sup> Mr. Malkiewich retired from the LCB on April 2, 2012.

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

The Administrator of the Commission explained that the Commission is a licensing agency for private schools, colleges, and universities that offer education to adults in Nevada. Schools licensed under the Commission enroll approximately 70,000 students each year, preparing them for careers such as casino dealers; insurance and real estate agents; teachers; bartenders; and medical and dental assistants.

*At the March 27, 2012, work session, the Subcommittee recommended continuing the Commission on Postsecondary Education.*

- **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. The Board may also determine whether a licensed well driller is complying with the laws or regulations pertaining to well drilling.

Testimony provided by the Advisory Board staff indicated the State Engineer appoints the Board members who act in an advisory capacity and make recommendations regarding licensure. In order to receive a license, an individual must successfully pass a standardized written exam and an interview.

Members of the Subcommittee expressed concern about duplication of licensing services between the Well Drillers' Advisory Board and the State Contractors' Board. However, both entities testified that the Advisory Board determines the qualification for a well driller's license and reports its finding to the State Engineer, while the State Contractors' Board issues licenses to individuals or companies who contract with property owners for the drilling of wells and the installation of pumps, pressure tanks, and storage tanks. According to the testimony, the two Boards believe there is no duplication of services.

*At the March 27, 2012, work session, the Subcommittee recommended continuing the Well Drillers' Advisory Board. Additionally, members of the Subcommittee approved sending a letter to the Legislative Commission, urging the State Engineer to meet with the Well Drillers' Advisory Board and the State Contractors' Board to eliminate any duplication of services. (Please see Appendix C for a copy of this letter.)*

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

Members of the Committee indicated that the Gaming Policy Committee has not met since 1984, however, Governor Brian Sandoval will convene the Committee in the Spring of 2012 to discuss developments in Internet gaming and new technology within the industry. Further, members noted the Committee's importance as it provides the Governor, who sits as Chair, with the opportunity to participate in gaming issues.

*At the June 5, 2012, work session, the Subcommittee recommended continuing the Gaming Policy Committee.*

- **Nevada Athletic Commission (NRS 467.020)**—The Commission regulates all contests and exhibitions of unarmed combat, including licensure and supervision of promoters, boxers, mixed martial artists, kick boxers, seconds, ring officials, managers, and matchmakers. The Commission has the authority to approve, deny, revoke, or suspend all licenses for unarmed combat.

Commission members noted their primary function is the protection of the health and safety of fighters who engage in unarmed combat. Also, it was noted the Commission is used as a national model.

*At the April 27, 2012, work session, the Subcommittee recommended continuing the Nevada Athletic Commission.*

#### March 27, 2012

Las Vegas was the site of the Subcommittee's third meeting and first work session on March 27, 2012. The members received information concerning the following entities:

- **Nevada State Board of Veterinary Medical Examiners (NRS 638.020)**—The Board was created for the protection of the public and their animals in an effective, fair, and accountable manner.

The Board President explained that the Board is a professional licensing entity which currently licenses over 2,100 practitioners and is fully self-funded through licensure fees. It was noted that veterinarians are expected to be capable of treating diverse species with a wide range of diagnostic and clinical procedures and to be knowledgeable about significant health issues.

*At the April 27, 2012, work session, the Subcommittee recommended continuing the Nevada State Board of Veterinary Medical Examiners.*

- **Advisory Council on the State Program for Fitness and Wellness (NRS 439.518)**—The Council is advisory in nature and makes recommendations to the Health Division, Department of Health and Human Services (DHHS). Within the limits of available money, the Division must establish the State Program for Fitness and

Wellness to increase public knowledge and raise public awareness relating to physical fitness and wellness. Additionally, the Division must educate residents on matters relating to physical fitness and wellness including, without limitation: (1) programs for physical fitness; (2) nutrition; and (3) the prevention of obesity, chronic diseases, and other diseases.

Senator Valerie Wiener sponsored Senate Concurrent Resolution No. 13 (File No. 89, *Statutes of Nevada*) during the 2003 Legislative Session. She explained that the Legislature supported a study on the economic and medical impacts of obesity. It was concluded that obesity is one of the primary causes of many health conditions, thus several programs were created to address the obesity issue. Senator Wiener further explained that Nevada is one of only a few states that has made a statutory commitment to fitness and wellness. She noted that membership on the Advisory Council is voluntary and the programs it provides are helping the State save money.

*At the April 27, 2012, work session, the Subcommittee recommended continuing the Advisory Council on the State Program for Fitness and Wellness.*

- **Nevada Commission on Sports** (NRS 233H.020)—The powers of the Commission include promoting the development of Olympic training centers; physical fitness and sports; and assisting with the Nevada Special Olympics and the Nevada Senior Games.

Subcommittee staff noted that the Commission did not respond to the Subcommittee's request for information, and further, the Commission has been inactive for several years.

*At the April 27, 2012, work session, the Subcommittee recommended terminating the Nevada Commission on Sports.*

- **Board of Athletic Trainers** (NRS 640B.170)—The Board licenses athletic trainers and protects the public from practice by unqualified individuals and unprofessional conduct by licensed athletic trainers.

Board members testified that the Board was established in 2003 to regulate the medical practice of athletic trainers, who are considered primary care allied health providers, recognized by multiple medical associations across the country. The Board currently licenses 173 athletic trainers and is self-funded.

*At the April 27, 2012, work session, the Subcommittee recommended continuing the Board of Athletic Trainers.*

- **Nevada State Board on Geographic Names** (NRS 327.110)—The Board was created to coordinate and approve geographical names within the State for official recommendation to the United States Board on Geographic Names.

The Chair of the Board explained that it was created in 1985 to coordinate and approve geographic names. The Board is comprised of representatives from various State agencies and federal entities located in Nevada. Any person may propose a change to a geographic name within the State. The Chair further recommended that a representative from the U.S. National Park Service be added to the Board as a voting member.

*At the April 27, 2012, work session, the Subcommittee recommended continuing the Nevada State Board on Geographic Names. Members of the Subcommittee stated that the proposal for an amendment to Chapter 327, "Nevada Coordinate System; Geographic Names," of the NRS to add an additional member to the Board should be requested through a legislator or the appropriate Standing Committee Chair.*

- **Credit Union Advisory Council (NRS 678.290)**—The Council advises, consults with, and makes recommendations to the Commissioner of the Division of Financial Institutions, Department of Business and Industry (B&I), in matters pertaining to credit unions.

Representatives of the Advisory Council explained that the Council was created in part to ensure that, within the Division of Financial Institutions, the credit unions were not overshadowed by their larger, for-profit counterparts. The Advisory Council provides a mechanism to communicate with a regulator who frequently is not from the credit union community and may not have an extensive understanding of a credit union's unique financial structure. Moreover, representatives noted the Advisory Council has utilized videoconferencing to hold meetings to accommodate members from all parts of the State, and members have not requested reimbursement for salaries in many years.

The Director of the Department of B&I noted the role and mission of the Council needs to be reexamined and possibly restructured. He recommended reviewing the advisory role and administrative oversight the Council has over the Division of Financial Institutions.

*At the June 25, 2012, work session, the Subcommittee recommended continuing the Credit Union Advisory Council. The Subcommittee further recommended statutory changes concerning the relationship of the Advisory Council with the Division of Financial Institutions and also recommended retaining the Council's meeting schedule and the members' salaries.*

- **Advisory Council on Mortgage Investments and Mortgage Lending (NRS 645B.860)**—The primary purpose of the Advisory Council is to serve in an advisory capacity to the Commissioner of the Division of Mortgage Lending, Department of B&I, and the Legislature on issues related to mortgage investments and mortgage lending.

The Council provides a broad and knowledgeable perspective from many industry professionals. The Advisory Council does not receive any money from the General Fund.

*At the April 27, 2012, work session, the Subcommittee recommended continuing the Advisory Council on Mortgage Investments and Mortgage Lending.*

- **Board of Wildlife Commissioners** (NRS 501.167)—The Commission is responsible for establishing policy regarding wildlife; adopting regulations; and receiving input on wildlife and boating issues from the public and entities, such as the 17 county advisory boards (CABs) to manage wildlife. The CABs solicit and evaluate local opinion and advise the Commission on matters relating to the management of wildlife within their respective counties. The Commission is a separate entity from Nevada’s Department of Wildlife (NDOW) but works with the NDOW in carrying out the policies and regulations of the Commission.

During the hearing, several persons proposed moving the NDOW into the State Department of Conservation and Natural Resources (SDCNR) to eliminate duplication of services. It was noted by these persons that the NDOW and the SDCNR both work with wildlife habitat, provide conservation education, and enhance wildlife diversity. However, opponents of this recommendation noted the Board of Wildlife Commissioners is responsive to the public and serves its purpose.

*At the June 25, 2012, work session, the Subcommittee recommended continuing the Board of Wildlife Commissioners. Additionally, members recommended that the Legislative Commission review the structure of the Board and that the 2013 Legislature address any recommendations made by the Legislative Commission.*

- **Committee on Anatomical Dissection** (NRS 451.360)—The Committee is required to record all dead human bodies received and distributed by it and the persons to whom the bodies may be distributed. The Committee must distribute the bodies proportionately and equitably among schools, teaching hospitals that have a resident training program requiring cadaveric material for study, and other persons or entities eligible to receive such bodies.

According to the Chair of the Committee, the Board of Regents of the University of Nevada created the Committee in 1976 to provide for the oversight of unclaimed bodies. However, it has been determined the Committee has no responsibilities except to control the use of unclaimed bodies. The Chair noted the process and criteria for anatomical dissection is to test the bodies for certain diseases to ensure that students involved in dissections are not exposed to disease. It is also important that the records of each cadaver are carried with it when being processed for sale by an institution. The Chair recommended the Committee could be eliminated as long as some type of oversight for anatomical dissection is performed by another agency.

*At the June 25, 2012, work session, the Subcommittee recommended continuing the Committee on Anatomical Dissection. The Subcommittee further recommended the Nevada System of Higher Education clarify and improve the scope of the Committee as it pertains to donated bodies. (Please see Appendix C for a copy of this letter.)*

April 27, 2012

The Subcommittee's fourth meeting and second work session was held on April 27, 2012, in Las Vegas. The Subcommittee received briefings from several boards and commissions.

- **Commission on Ethics** (NRS 281A.200)—The Commission investigates alleged violations of Chapter 281A, “Ethics in Government,” of the NRS by public officers and public employees and informs agencies of administrative or criminal noncompliance. The Commission also recommends legislation to promote and maintain high ethical standards. It publishes a manual for the use of public officers and employees which contains guidance for all persons concerned with ethical standards in government.

Commission staff explained that the Commission is charged with investigating and taking appropriate action regarding alleged violations of Nevada ethics laws by public officers and employees as well as former public officers and employees. The Commission has jurisdiction over ethics violations alleged to have been committed by most categories of public officers. However, it should be noted that legislators, Supreme Court justices, judges, officers of the court system, and court employees are excluded from the Commission's jurisdiction.

*At the June 25, 2012, work session, members of the Subcommittee recommended continuing the Commission on Ethics. Subcommittee members also recommended that the Commission on Ethics should consult with the Governor's Office or an individual legislator concerning the submission of a bill draft request for policy changes including expanding the definition of “interest” to include more than pecuniary interests to constitute a conflict, and clarify the roles of the Commission's Executive Director and Legal Counsel.*

- **Board of the Public Employees' Benefits Program** (NRS 287.041)—The Board provides oversight to the Public Employees' Benefits Program (PEBP), which is responsible for designing and managing a program of insurance and other benefits for approximately 43,000 primary participants and their dependents.

Testimony by Board staff indicated that PEBP provides health insurance benefits to State employees, as well as eligible State retirees, nonstate employees, and nonstate

retirees. The Board is comprised of nine members appointed by the Governor to four-year terms, and it meets an average of every six weeks.

*At the June 25, 2012, work session, members of the Subcommittee recommended continuing the Board of the Public Employees' Benefits Program.*

- **Committee on Health Benefit Plans** (NRS 689C.960)—The Committee makes recommendations to the Board of Directors of the Program of Reinsurance [for Small Employers and Eligible Persons], Division of Insurance, Department of B&I, concerning the form, levels of coverage, and design for basic and standard health benefit plans offered by certain small employers and individual carriers.

According to testimony, during the 1997 Legislative Session, Assembly Bill 521 (Chapter 586, *Statutes of Nevada*) was enacted to implement an alternative mechanism for covering certain individuals as required by the Health Insurance Portability and Accountability Act (HIPAA). The Committee prescribes the coverage forms and limits to implement the guarantee issue coverage requirements under HIPAA. Health insurance coverage is provided through a basic or standard health benefit plan designed by the Committee and adopted by the Board of Directors of the Program for Reinsurance. Currently, there are about 800 participants. It was noted that the Committee will be terminated if the Patient Protection and Affordable Care Act (PPACA) is not repealed.

*At the June 5, 2012, work session, the Subcommittee recommended continuing the Committee on Health Benefit Plans. However, members noted that the Committee will be phased out in 2014 as a result of the United States Supreme Court's decision on the constitutionality of the PPACA; legislative action may be needed at that time.*

- **Police and Firefighters' Retirement Fund Advisory Committee** (NRS 286.227)—The Committee must make recommendations to the Public Employees' Retirement Board concerning the administration of and benefits payable to the Police and Firefighters' Retirement Fund, a fund within the Public Employees' Retirement System (PERS).

According to the Advisory Committee's staff, the main purpose of the Advisory Committee is to advise PERS on all areas related to the administration of the Police and Firefighters' Retirement Fund. For instance, as a new position is created at the local or State government level, the position has to be approved by the Advisory Committee and PERS before it can be considered covered under the early retirement system. The Committee also makes recommendations to the Board concerning the criteria for a person who is being promoted to remain eligible for the early retirement system.

*At the June 5, 2012, work session, the Subcommittee recommended continuing the Police and Firefighters' Retirement Fund Advisory Committee.*

- **Board for the Regulation of Liquefied Petroleum Gas (NRS 590.485)**—The Board was created for the protection of members of the public who utilize or are exposed to LP-Gases (propane, propylene, butanes, either normal butane or isobutene, and butylene). The Board licenses and inspects all suppliers of LP-Gas and retailers who sell and dispense LP-Gas. Additionally, the Board regulates the removal of tanks from a consumer's premise; responds to complaints; assists consumers in obtaining fuel in an emergency; and facilitates the resolution of disputes between licensees and their customers.

Board representatives explained that the Board is self-supported through inspection and licensure fees. It focuses on complaint mediations; safety training and education specific to the properties of propane, propane appliances, and propane systems; and inspections of storage facilities and dispensing equipment.

*At the June 5, 2012, work session, the Subcommittee recommended continuing the Board for the Regulation of Liquefied Petroleum Gas.*

- **State Barbers' Health and Sanitation Board (NRS 643.020)**—The Board licenses barbershops, barber schools, and individual barbers. It also inspects barbershops and schools for compliance with sanitation regulations and other requirements. Further, the Board investigates consumer complaints and takes effective measures to resolve issues, including levying fines, as well as suspending and revoking licenses.

Board representatives testified that the Board was established in 1929 and is self-supported by licensure fees. The main purpose of the Board is to enforce and oversee sanitation regulations through education and regular inspections. Members of the Subcommittee discussed consolidating the State Barbers' Health and Sanitation Board with the State Board of Cosmetology, in part, to avoid duplicating licensing and enforcing functions. Representatives of the State Barbers' Health and Sanitation Board emphasized there are distinctions in their respective trades, and the Board would be most effective remaining independent of the State Board of Cosmetology.

*At the June 5, 2012, work session, the Subcommittee recommended continuing the State Barbers' Health and Sanitation Board. Subcommittee members also recommended that the State Barbers' Health and Sanitation Board and the State Board of Cosmetology meet to discuss eliminating any duplication of sanitation inspections and addressing consumer complaints.*

- **State Board of Cosmetology (NRS 644.030)**—The Board protects those citizens using cosmetological services from disease, infection, injury, or malpractice of any type relating to the cosmetology industry. It also regulates persons, establishments,

and schools providing cosmetological services, including aesthetics, cosmetology, electrology, hair braiding, and nail technology. The Board investigates consumer complaints and may take disciplinary action against a licensee.

Members of the Board explained that it regulates all cosmetology salons, esthetic salons, and nail technology salons. Further, the Board licenses instructors as well as the instructional facilities. It employs four field inspectors who investigate complaints and monitor schools for compliance.

*At the June 5, 2012, work session, the Subcommittee recommended continuing the State Board of Cosmetology. Additionally, the Board requested, in writing, policy changes concerning schools and temporary education permits. Subcommittee members noted there was no discussion concerning these issues during the hearing and recommended the Board consider requesting a bill through an individual legislator or a Standing Committee to address these changes.*

#### June 5, 2012

On June 5, 2012, the Subcommittee held its fifth meeting and third work session in Las Vegas. Representatives from several boards, commissions, and similar entities provided an overview of their entity.

- **State Grazing Boards** (NRS 568.040)—The State grazing boards direct and guide the disposition of the range improvement fund of each grazing district. This disposition is conducted in the manner most beneficial to the payers of the grazing fees and to the counties concerned.

According to testimony, the federal Taylor Grazing Act of 1934 gave the United States Secretary of the Interior the authority to place public lands valuable for grazing and foraging crops into grazing districts. The Division of Grazing of the Bureau of Land Management (BLM) worked with local ranchers and the State to develop grazing policies and determine grazing district boundaries. Nevada's grazing districts were established beginning in 1935, with the final district established in 1951. Nevada has six grazing districts, each with its own board. Although, District No. 5 in Las Vegas does not have a board since there are no grazing operators in Clark County. The grazing boards supervise the expenditures of range improvement funds by planning for projects and administering the funds for the benefit of the livestock industry. The boards do not receive any State or county funds; rather, the grazing fees paid to the BLM provide their funding.

*At the June 25, 2012, work session, the Subcommittee recommended continuing the State grazing boards. The Subcommittee further recommended preparing a letter urging the Standing Committee(s) of jurisdiction for the 2013 Legislative Session to investigate combining the districts of the State grazing boards and any advantages*

*gained by future changes to the boards. (Please see Appendix C for a copy of this letter.)*

- **Central Committee of Nevada State Grazing Boards** (NRS 568.170)—The Central Committee provides a mechanism whereby the State grazing boards may act together in matters of common interest and of general rather than local concern. Additionally, the Central Committee is required to carry out the provisions of the Taylor Grazing Act.

Representatives of the Central Committee explained that it provides comments to proposed actions by federal land management agencies, such as environmental impact statements, wild horse gatherings, range condition reviews, grazing permit renewals, wilderness designations, water pipelines, and other proposed actions on public land where grazing is permitted. The Central Committee operates on funding received from each State grazing board.

*At the June 25, 2012, work session, members of the Subcommittee recommended continuing the Central Committee of Nevada State Grazing Boards.*

- **State Board of Agriculture** (NRS 561.045)—The Board must be informed on and interested in the entire field of legislation and administration charged to the State Department of Agriculture, and the Board must establish the policy of the Department. Further, the Board must report State policies concerning livestock and agriculture to the Governor or the Legislature.

Board staff explained that the duties of the Board are prescribed in the NRS. According to staff, there is no duplication of services and the Board has no recommendations for changes.

*At the June 25, 2012, work session, members of the Subcommittee recommended continuing the State Board of Agriculture.*

- **Garlic and Onion Growers' Advisory Board** (NRS 556.020)—The Board must prepare and present a program for research regarding the production, harvesting, processing, distribution, and market promotion of garlic and onions to the State Board of Agriculture. The program must contain a recommendation of a natural person or agency to conduct or manage each project, the time period for each project, and the budget allocation for the project.

Representatives of the Advisory Board indicated its effectiveness at implementing research programs specific to garlic and onion production in Nevada. Due to budget cuts, the Advisory Board has not been able to hold any meetings since August 2009. However, funding has been restored through the creation of a new registration fee, and the Board's activities are expected to resume during the 2012 production year.

*At the June 25, 2012, work session, members of the Subcommittee recommended continuing the Garlic and Onion Growers' Advisory Board.*

- **Alfalfa Seed Advisory Board** (NRS 587.135)—The purpose of the Board is to prepare and present a program for research regarding the production, harvesting, processing, distribution, and market promotion of alfalfa seed to the State Board of Agriculture. The program must contain a recommendation of a natural person or agency to conduct or manage each project, the time period for each project, and the budget allocation for the project.

A representative of the Advisory Board stated that in the past the Advisory Board has been effective in implementing research programs specific to the production, harvesting, processing, distribution, and market promotion of alfalfa seed in Nevada, which has contributed to the continued success of this niche-market agricultural industry. However, there have not been any new research projects initiated in the past few years. Further, it was stated there is no duplication of services with the Garlic and Onion Growers' Advisory Board.

*At the June 25, 2012, work session, members of the Subcommittee recommended continuing the Alfalfa Seed Advisory Board.*

- **Committee on Co-Occurring Disorders** (NRS 439.527)—The Committee is required to study and review issues related to persons with co-occurring disorders; develop a policy statement confirming the State's commitment to the treatment of persons with co-occurring disorders; review and recommend strategies to improve the treatment of persons with co-occurring disorders; and develop recommendations concerning the licensing of treatment programs.

The Committee was established in 2007 to address the problems of a lack of integration, fragmentation, and duplication in the treatment of patients with mental illness and substance abuse. The Committee is composed of family members and persons with mental illness, in addition to members of the addiction, criminal justice, marriage and family therapy, psychiatric, psychology, and social work fields; the University of Nevada, Las Vegas; and community-based services. The Committee met its mandate and voted to terminate the Committee in July 2011. However, one citizen testified before the Subcommittee recommending the Committee be continued because it provides a valuable service to the public.

*At the June 25, 2012, work session, members of the Subcommittee recommended terminating the Committee on Co-Occurring Disorders.*

- **Pharmacy and Therapeutics Committee** (NRS 422.4035)—The Committee identifies prescription drugs that should be included on the list of preferred prescriptions for the Medicaid program. The Committee's decisions are based upon

evidence of clinical efficacy and safety without consideration of the cost. The list is reviewed at least annually by the Committee.

Representatives of the Division of Health Care Financing and Policy, DHHS, explained the Committee is effective since it utilizes the members' clinical experience and expertise to contain costs and manage a Preferred Drug List that does not impede access to care for Nevada Medicaid recipients.

*At the June 25, 2012, work session, members of the Subcommittee recommended continuing the Pharmacy and Therapeutics Committee.*

- **Nevada State Funeral Board** (NRS 642.020)—The Board regulates funeral homes and burial services. It also investigates complaints and may take disciplinary action against a licensee.

A representative of the Board explained its mission is to protect the general public by testing funeral directors, embalmers, and apprentice embalmers on their knowledge regarding the trades of funeral directing, embalming, and the laws of the State. There are 185 licensed funeral directors and embalmers and four apprentice embalmers in the State. Subcommittee members expressed concern regarding the administration of the Board, including office operations, retention of records, and staff expenses.

*At the June 25, 2012, work session, members of the Subcommittee recommended terminating the Nevada State Funeral Board and further recommended changing the Board to an Advisory Board and transferring its duties to the DHHS. In addition, the Subcommittee approved preparing a letter to the Executive Director of the Nevada State Funeral Board and the Office of the Attorney General requesting that the Board review its records retention schedule to ensure compliance with the law. (Please see Appendix C for a copy of this letter.)*

- **State Board of Oriental Medicine** (NRS 634A.030)—The Board protects the public from unqualified individuals and any individuals practicing Oriental medicine without proper licensure.

The Board President explained that the Board was established in 1973 and is self-funded through application and licensure fees. Members of the Subcommittee noted there has been a three-year vacancy of the Board's public member.

*At the June 25, 2012, work session, members of the Subcommittee recommended continuing the State Board of Oriental Medicine and also recommended sending a letter to the Governor requesting the appointment of a public member to the Board as soon as possible. (Please see Appendix C for a copy of this letter.)*

June 25, 2012

The Subcommittee members considered the following entities that were not acted on during previous hearings: the Alfalfa Seed Advisory Board; Board of the Public Employees' Benefits Program; Central Committee of Nevada State Grazing Boards; Commission on Ethics; Committee on Anatomical Dissection; Committee on Co-Occurring Disorders; Credit Union Advisory Council; Garlic and Onion Growers' Advisory Board; Nevada State Funeral Board; Pharmacy and Therapeutics Committee; State Board of Agriculture; State Board of Oriental Medicine; and the State Grazing Boards. A summary of the actions taken by the Subcommittee on these entities is provided under the meeting date at which the entity made its initial presentation.

### **III. SUBCOMMITTEE FINDINGS AND RECOMMENDATIONS**

At each of the work sessions, the Subcommittee considered numerous recommendations for action by the Legislative Commission. The Subcommittee also considered sending letters to the Governor, Chairs of Standing Committees, and selected State agencies. The members voted to proceed with many of these recommendations.

A summary of the Subcommittee's actions is listed below.

#### Entities Recommended for Continuation

Advisory Council on Mortgage Investments and Mortgage Lending  
Advisory Council on the State Program for Fitness and Wellness  
Alfalfa Seed Advisory Board  
Board for the Regulation of Liquefied Petroleum Gas  
Board of Athletic Trainers  
Board of the Public Employees' Benefits Program  
Central Committee of Nevada State Grazing Boards  
Commission on Postsecondary Education  
Committee on Health Benefit Plans  
Gaming Policy Committee  
Garlic and Onion Growers' Advisory Board  
Nevada Athletic Commission  
Nevada State Board of Veterinary Medical Examiners  
Nevada State Board on Geographic Names  
Pharmacy and Therapeutics Committee  
Police and Firefighters' Retirement Fund Advisory Committee  
State Barbers' Health and Sanitation Board  
State Board of Agriculture  
State Board of Cosmetology

Entities Recommended for Continuation With Further Recommendations

Board of Wildlife Commissioners  
Commission on Ethics  
Committee on Anatomical Dissection  
Credit Union Advisory Council  
State Board of Oriental Medicine  
State Grazing Boards  
Well Drillers' Advisory Board

Entities Recommended for Termination

Committee on Co-Occurring Disorders  
Nevada Commission on Sports

Entities Recommended for Termination With Functions Transferred

Nevada State Funeral Board

#### IV. CONCLUDING REMARKS

The Subcommittee worked on numerous issues relating to the consolidation of boards, commissions, and similar entities during the 2011-2012 Legislative Interim. Throughout the hearings, members noted that the Subcommittee functions as an important tool for overseeing the many boards, commissions, and similar entities by providing an ongoing evaluation of government efficiency and effectiveness. After receiving and reviewing extensive information from 29 selected entities, the members considered the need to narrow the Subcommittee's focus and process as it continues forward. Because the Sunset Subcommittee is not allocated any bill draft requests (BDRs), the Chair submitted a personal bill draft (**BDR -160**) for the upcoming legislative session to enhance the efficiency of the Subcommittee by refining the criteria used to select and review the remaining entities.

On September 14, 2012, the Chair provided an overview of the Subcommittee's recommendations to the Legislative Commission. Based on the recommendations of the Subcommittee, the Legislative Commission requested bills concerning: abolishing the Committee on Co-Occurring Disorders (**BDR 40-571**); abolishing the Nevada Commission on Sports (**BDR 18-572**); transferring the duties of the Nevada State Funeral Board to the Department of Health and Human Services (DHHS) and making the duties advisory to the DHHS (**BDR 54-573**); and revising statutory provisions concerning the relationship of the Credit Union Advisory Council with the Division of Financial Institutions (**BDR 56-577**).

Finally, the members of the Subcommittee would like to thank the boards, commissions, and entities chosen for review this interim for their work in preparing the required reports and sending representatives to testify before the Subcommittee.

The Subcommittee members also appreciate the important assistance and cooperation consistently provided by the many talented and knowledgeable people who testified at its meetings and participated in informational exchanges.



## V. APPENDICES

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**APPENDIX A**

*Nevada Revised Statutes 232B.210 through 232B.250*



*Nevada Revised Statutes*

**NRS 232B.210 Creation; membership; election of Chair and Vice Chair; vacancies; meetings; quorum; compensation; expenses.**

1. The Sunset Subcommittee of the Legislative Commission, consisting of nine members, is hereby created. The membership of the Sunset Subcommittee consists of:

(a) Three members of the Legislature appointed by the Majority Leader of the Senate, at least one of whom must be a member of the minority political party;

(b) Three members of the Legislature appointed by the Speaker of the Assembly, at least one of whom must be a member of the minority political party; and

(c) Three members of the general public appointed by the Chair of the Legislative Commission from among the names of nominees submitted by the Governor pursuant to subsection 2.

2. The Governor shall, at least 30 days before the beginning of the term of any member appointed pursuant to paragraph (c) of subsection 1, or within 30 days after such a position on the Sunset Subcommittee becomes vacant, submit to the Legislative Commission the names of at least three persons qualified for membership on the Sunset Subcommittee. The Chair of the Legislative Commission shall appoint a new member or fill the vacancy from the list, or request a new list. The Chair of the Legislative Commission may appoint any qualified person who is a resident of this State to a position described in paragraph (c) of subsection 1.

3. Each member of the Sunset Subcommittee serves at the pleasure of the appointing authority.

4. The members of the Sunset Subcommittee shall elect a Chair from one House of the Legislature and a Vice Chair from the other House. Each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the office of Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

5. The membership of any member of the Sunset Subcommittee who is a Legislator and who is not a candidate for reelection or who is defeated for reelection terminates on the day next after the general election.

6. A vacancy on the Sunset Subcommittee must be filled in the same manner as the original appointment.

7. The Sunset Subcommittee shall meet at the times and places specified by a call of the Chair. Five members of the Sunset Subcommittee constitute a quorum, and a quorum may exercise any power or authority conferred on the Sunset Subcommittee.

8. For each day or portion of a day during which a member of the Sunset Subcommittee who is a Legislator attends a meeting of the Sunset Subcommittee or is otherwise engaged in the business of the Sunset Subcommittee, except during a regular or special session of the Legislature, the Legislator is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers generally; and

(c) Travel expenses provided pursuant to [NRS 218A.655](#).

The compensation, per diem allowances and travel expenses of the members of the Sunset Subcommittee who are Legislators must be paid from the Legislative Fund.

9. While engaged in the business of the Sunset Subcommittee, the members of the Subcommittee who are not Legislators are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

(Added to NRS by [2011, 2992](#))

**NRS 232B.220 Review of certain boards and commissions; assessment of boards and commissions for costs of review.**

1. The Sunset Subcommittee of the Legislative Commission shall conduct a review of each board and commission in this State which is not provided for in the Nevada Constitution or established by an executive order of the Governor to determine whether the board or commission should be terminated, modified, consolidated with another board or commission or continued. Such a review must include, without limitation:

(a) An evaluation of the major policies and programs of the board or commission, including, without limitation, an examination of other programs or services offered in this State to determine if any other provided programs or services duplicate those offered by the board or commission;

(b) Any recommendations for improvements in the policies and programs offered by the board or commission; and

(c) A determination of whether any statutory tax exemptions, abatements or money set aside to be provided to the board or commission should be terminated, modified or continued.

2. The Sunset Subcommittee shall review:

(a) Not less than 20 boards and commissions specified in subsection 1 each year; and

(b) Each of those boards and commissions not less than once every 10 years.

3. For each review of a board or commission that the Sunset Subcommittee conducts, the Sunset Subcommittee shall submit a written assessment to the board or commission setting forth the costs of the review. In determining the amount of an assessment pursuant to this subsection, the Sunset Subcommittee shall consider, based upon the information provided by the board or commission pursuant to [NRS 232B.230](#), whether any additional analysis or evaluation is required to review the board or commission because of the specialized nature of the board or commission. As soon as practicable after a board or commission receives a written assessment pursuant to this subsection, the board or commission shall pay the amount set forth in the written assessment to the Sunset Subcommittee.

4. Any action taken by the Sunset Subcommittee concerning a board or commission pursuant to [NRS 232B.210](#) to [232B.250](#), inclusive, is in addition or supplemental to any action taken by the Legislative Commission pursuant to [NRS 232B.010](#) to [232B.100](#), inclusive.

(Added to NRS by [2011, 2994](#))

**NRS 232B.230 Submission of required information by boards and commissions subject to review; assistance from Legislative Counsel Bureau.**

1. Each board and commission subject to review by the Sunset Subcommittee of the Legislative Commission shall submit information to the Sunset Subcommittee on a form prescribed by the Sunset Subcommittee. The information must include, without limitation:

(a) The name of the board or commission;

- (b) The name of each member of the board or commission;
- (c) The address of the Internet website established and maintained by the board or commission, if any;
- (d) The name and contact information of the executive director of the board or commission, if any;
- (e) A list of the members of the staff of the board or commission;
- (f) The authority by which the board or commission was created;
- (g) The governing structure of the board or commission, including, without limitation, information concerning the method, terms, qualifications and conditions of appointment and removal of the members of the board or commission;
- (h) The duties of the board or commission;
- (i) The operating budget of the board or commission;
- (j) A statement setting forth the income and expenses of the board or commission for at least 3 years immediately preceding the date on which the board or commission submits the form required by this subsection, including the balances of any fund or account maintained by or on behalf of the board or commission;
- (k) The most recent audit conducted of the board or commission, if any;
- (l) The dates of the immediately preceding six meetings held by the board or commission;
- (m) A statement of the objectives and programs of the board or commission;
- (n) A conclusion concerning the effectiveness of the objectives and programs of the board or commission;
- (o) Any recommendations for statutory changes which are necessary for the board or commission to carry out its objectives and programs; and
- (p) Such other information as the Sunset Subcommittee may require.

2. The Sunset Subcommittee may direct the Legislative Counsel Bureau to assist in its research, investigations, review and analysis of the information submitted by each board and commission pursuant to subsection 1.

(Added to NRS by [2011, 2994](#))

**NRS 232B.240 Duty to conduct public hearings; consideration of certain reports; burden of proving public need for continued existence of board or commission.**

1. The Sunset Subcommittee of the Legislative Commission shall conduct public hearings for the purpose of obtaining comments on, and may require the Legislative Counsel Bureau to submit reports on, the need for the termination, modification, consolidation or continued operation of a board or commission.

2. The Sunset Subcommittee shall consider any report submitted to it by the Legislative Counsel Bureau.

3. A board or commission has the burden of proving that there is a public need for its continued existence.

(Added to NRS by [2011, 2995](#))

**NRS 232B.250 Recommendations.**

1. If the Sunset Subcommittee of the Legislative Commission determines to recommend the termination of a board or commission, its recommendation must include suggestions for appropriate direct legislative action, if any, which is made necessary or desirable by the termination of the board or commission.

2. If the Sunset Subcommittee determines to recommend the consolidation, modification or continuation of a board or commission, its recommendation must include suggestions for appropriate direct legislative action, if any, which would make the operation of the board or commission or its successor more efficient or effective.

3. On or before June 30, 2012, the Sunset Subcommittee shall make all of its initial recommendations pursuant to this section, if any. The Sunset Subcommittee shall make all subsequent recommendations pursuant to this section, if any, on or before June 30 of each even-numbered year occurring thereafter.

(Added to NRS by [2011, 2995](#))

**APPENDIX B**

Nevada State Government Boards, Commissions,  
and Similar Entities for Review  
2011-2012 Interim



**NEVADA STATE GOVERNMENT  
BOARDS, COMMISSIONS, AND SIMILAR ENTITIES FOR REVIEW 2011–2012 INTERIM  
AUGUST 2012**

	Statutory Reference	Established	Member Composition and Meeting Requirements	Most Recent Meeting
<b>GOVERNOR</b>				
Executive Branch Audit Committee	NRS 353A.038	1999	Consists of 7 members	June 2011
<b>NEVADA SYSTEM OF HIGHER EDUCATION</b>				
Research Facilities—Committee on Anatomical Dissection	NRS 451.360	1963	Consists of 9 members; must meet at least twice annually; no salary for serving	October 2011
Nevada State Board on Geographic Names	NRS 327.110	1985	Consists of 10 members; may not meet more than four times in any one year; no compensation, travel or sustenance allowances for members	January 2012
<b>STATE BOARD OF EDUCATION</b>				
Commission on Postsecondary Education	NRS 394.383	1975	Consists of 7 members appointed by the Governor; must meet at least four times each year	November 2011
Advisory Council on Parental Involvement and Family Engagement	NRS 385.600	2007	Consists of 10 members; all non-legislative members serve without compensation; number of meetings not specified	March 2010

	Statutory Reference	Established	Member Composition and Meeting Requirements	Most Recent Meeting
<b>STATE DEPARTMENT OF AGRICULTURE</b>				
State Board of Agriculture	NRS 561.045	1961	Consists of 11 members appointed by the Governor; must meet at least once	October 2011
Garlic and Onion Growers' Advisory Board	NRS 556.020	1995	Consists of 5 members; no salary for members	March 2008
Alfalfa Seed Advisory Board	NRS 587.135	1975	Consists of 7 members; no salary for members	January 2012
<b>DEPARTMENT OF BUSINESS AND INDUSTRY</b>				
Committee on Health Benefit Plans	NRS 689C.960	1997	Consists of 8 members appointed by Commissioner of Insurance; must meet once a year; no compensation	October 2011
Nevada Athletic Commission	NRS 467.020	1931	Consists of 5 members appointed by the Governor; employs an Executive Director	September 2011
Credit Union Advisory Council	NRS 678.290	1975	Consists of 5 members appointed by the Governor; meetings may be held at least once every six months	November 2008
Advisory Council on Mortgage Investments and Mortgage Lending	NRS 645B.860	1999	Consists of 5 members appointed by the Legislative Commission; no compensation for members; may meet at least once each calendar quarter	June 2011

	Statutory Reference	Established	Member Composition and Meeting Requirements	Most Recent Meeting
<b>STATE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES</b>				
Executive Council to the Land Use Planning Advisory Council	NRS 321.755	1977	Consists of the Administrator and 4 members selected from the Council; number of meetings not specified	Never officially met per staff
Well Drillers' Advisory Board	NRS 534.150	1963	No specified number of members (3 members currently on the Board); number of meetings not specified	August 2011
<b>DEPARTMENT OF HEALTH AND HUMAN SERVICES</b>				
Advisory Council on the State Program for Fitness and Wellness	NRS 439.518	2005	Consists of 9 members appointed by the Administrator of the Health Division; 2 members appointed by the Legislative Commission; no compensation; may only meet if there is money budgeted to do so and at the call of the chair or a majority of the members	July 2011
Committee on Co-Occurring Disorders, Mental Health and Developmental Services	NRS 439.527	2009	Consists of 15 members	October 2011
Nevada Academy of Health, Director's Office	NRS 439B.250	2003	Consists of 13 members	March 2009

	Statutory Reference	Established	Member Composition and Meeting Requirements	Most Recent Meeting
Pharmacy and Therapeutics Committee	NRS 422.4035	2003	Must consist of at least 9 members but not more than 11 members appointed by the Governor; no compensation; must meet at least once every three months	June 2011
<b>DEPARTMENT OF INFORMATION TECHNOLOGY</b>				
Information Technology Advisory Board	NRS 242.122	1993	Consists of 4 members (1 member appointed by Majority Floor Leader of the Senate, 1 member by the Speaker of the Assembly, 2 members by the Governor); shall meet at least once every three months or more as deemed by chair; nonstate employees are entitled to \$80 per day spent on Board business	September 2006
<b>DIVISION OF HUMAN RESOURCE MANAGEMENT IN THE DEPARTMENT OF ADMINISTRATION</b>				
Merit Award Board	NRS 285.030	1967	Consists of 5 members; must adopt regulations for transacting business	November 2008
<b>DEPARTMENT OF PUBLIC SAFETY</b>				

	Statutory Reference	Established	Member Composition and Meeting Requirements	Most Recent Meeting
Nevada State Council for Interstate Adult Offender Supervision	NRS 213.215	2001	Consists of 7 members; Reports to the Interstate Commission for Adult Offender Supervision	Approximately seven years ago
<b>DEPARTMENT OF WILDLIFE</b>				
Board of Wildlife Commissioners	NRS 501.167	1969	Consists of 9 members appointed by the Governor; may hold not more than nine meetings regularly each year	September 2011
<b>STATE GAMING CONTROL BOARD</b>				
Gaming Policy Committee	NRS 463.021	1961	Consists of 11 members (Governor serves as Chair); Governor may call meetings for the exclusive purpose of discussing gaming policy	Anticipate meeting early 2012
<b>PUBLIC EMPLOYEES' RETIREMENT SYSTEM</b>				
Police and Firefighters' Retirement Fund Advisory Committee	NRS 286.227	1977	Board determines the number of members (currently 5 members); number of meetings are not specified	October 2011
<b>POLICY AND OTHER BOARDS AND STATUTORY BODIES</b>				
State Grazing Board	NRS 568.040	1975	Consists not less than 5 nor more than 12 persons; no compensation; meetings may be called any time by chair or majority of	Various meeting dates by District

	Statutory Reference	Established	Member Composition and Meeting Requirements	Most Recent Meeting
Central Committee of Nevada State Grazing Boards	NRS 568.040	1939	Consists of 1 or 2 members of each state grazing board; no specified number of meetings	November 2011
Board of the Public Employees' Benefits Program	NRS 287.041	1963	Consists of 9 members; must meet at least once every calendar year quarter	November 2011
Commission on Ethics	NRS 281A.200	1985	Consists of 8 members; must meet regularly at least once in each calendar quarter	December 2011
State Advisory Board of Trustees for the Trust Relating to the Fairground	NRS 551.020	1981	Consists of 10 members appointed by the Governor	Never officially met per staff
Nevada Commission on Sports	NRS 233H.020	1989	Consists of 9 members appointed by the Governor and 2 nonvoting members selected by the Legislature; must meet at least four times annually	Left message
<b>PROFESSIONAL AND OCCUPATIONAL LICENSING BOARDS</b>				
Note: The Legislature creates occupational and professional licensing boards. The boards are invested with the authority to adopt regulations regarding licensing and practice of the various professions, subject to review by the Legislature. Members are appointed by the Governor to fixed terms, generally running three to four years. Independent boards are funded by fees charged to licensees and do not receive State General Fund support				
Board for the Regulation of Liquefied Petroleum Gas	NRS 590.485	1957	Consists of 6 members; must meet three times a year in March, July, and November	January 2012 (3rd Friday of every month)

	Statutory Reference	Established	Member Composition and Meeting Requirements	Most Recent Meeting
Board of Athletic Trainers	NRS 640B.170	2003	Consists of 5 members; must meet at least three times each year	September 2011
Nevada State Board of Veterinary Medical Examiners	NRS 638.020	1919	Consists of 7 members; must meet at least annually	July 2011
Nevada State Funeral Board	NRS 642.020	1909	Consists of 5 members; must meet at least once every year	October 2011
State Barbers' Health and Sanitation Board	NRS 643.020	1929	Consists of 4 members; meetings must be held every three months	August 2011
State Board of Cosmetology	NRS 644.030	1931	Consists of 5 members; must meet at least once every year	October 2011
State Board of Oriental Medicine	NRS 634A.030	1973	Consist of 5 members; must hold a meeting at least once a year	August 2011

Note: This list was compiled using the Nevada State Government Organizational Chart located in the *Nevada Legislative Manual*. This document contains State government entities created by the *Nevada Revised Statutes*. Bodies established by federal action, gubernatorial executive order, or agency authorization are not included.



Sunset Subcommittee of the  
Legislative Commission  
Meeting Schedule

FEBRUARY 27, 2012

1. Commission on Postsecondary Education
2. Well Drillers' Advisory Board
3. Gaming Policy Committee
4. Nevada Athletic Commission

MARCH 27, 2012

1. Nevada State Board of Veterinary Medical Examiners
  2. Advisory Council on the State Program for Fitness & Wellness
  3. Nevada Commission on Sports
  4. Board of Athletic Trainers
  5. Nevada State Board on Geographic Names
  6. Credit Union Advisory Council
  7. Advisory Council on Mortgage Investments and Mortgage Lending
  8. Board of Wildlife Commissioners
  9. Committee on Anatomical Dissection
- Work Session

APRIL 27, 2012

1. Commission on Ethics
  2. Board of the Public Employees' Benefits Program
  3. Committee on Health Benefit Plans
  4. Police and Firefighters' Retirement Fund Advisory Committee
  5. Board for the Regulation of Liquefied Petroleum Gas
  6. State Barbers' Health and Sanitation Board
  7. State Board of Cosmetology
- Work Session

JUNE 5, 2012

1. State Grazing Boards
  2. Central Committee of Nevada State Grazing Boards
  3. State Board of Agriculture
  4. Garlic and Onion Growers' Advisory Board
  5. Alfalfa Seed Advisory Board
  6. Committee on Co-Occurring Disorders
  7. Pharmacy and Therapeutics Committee
  8. Nevada State Funeral Board
  9. State Board of Oriental Medicine
- Work Session

JUNE 25, 2012

Work Session on Entities not Previously Acted Upon

Entities Not Scheduled For Review:

1. Advisory Council on Parental Involvement and Family Engagement
2. Executive Branch Audit Committee
3. Executive Council to the Land Use Planning Advisory Council
4. Information Technology Advisory Board
5. Merit Award Board
6. Nevada Academy of Health
7. Nevada State Council for Interstate Adult Offender Supervision
8. State Advisory Board of Trustees for the Trust Relating to the Fairgrounds

## **APPENDIX C**

Letters from Chair Irene Bustamante Adams Regarding the  
Well Drillers' Advisory Board; Committee on  
Anatomical Dissection; State Grazing Boards;  
Nevada State Funeral Board; and the  
State Board of Oriental Medicine



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Rick Combs, *Director, Secretary*

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Cindy Jones, *Fiscal Analyst*  
Mark Krmpotic, *Fiscal Analyst*

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DONALD O. WILLIAMS, *Research Director* (775) 684-6825

September 6, 2012

Thomas K. Gallagher, Professional Engineer  
Well Drillers' Advisory Board  
c/o Division of Water Resources  
901 South Stewart Street, Suite 2002  
Carson City, Nevada 89701-5250

Dear Mr. Gallagher:

The Sunset Subcommittee of the Legislative Commission (*Nevada Revised Statutes* [NRS] 232B.210) recently completed its work for the 2011-2012 Legislative Interim. Throughout this period, the Subcommittee heard from several boards, commissions, and similar entities that are not provided for in the *Nevada Constitution* or established by an Executive Order of the Governor. The Subcommittee was charged with determining whether those entities should be terminated, modified, consolidated with another agency, or continued.

At the Subcommittee's meeting on February 27, 2012, representatives of the Well Drillers' Advisory Board explained that the Board determines an applicant's qualifications for a well driller's license and reports its findings to the State Engineer. Additionally, the Board acts in an advisory capacity to the State Engineer. During the hearing, members of the Subcommittee expressed concern that the State Contractors' Board may have similar authority as the State Engineer with respect to the activities of well drillers. Currently, the State Engineer issues the well driller's license and has regulatory oversight of activities as they relate to the use and protection of groundwater; water rights; compliance with permitting and inspection of wells to ensure compliance with construction standards or codes; and retention of the well driller's log and record of work for each well that is drilled.

Correspondence from the State Contractors' Board stated that the Board issues licenses to individuals or companies that contract with property owners for the drilling of wells, installation of pumps, pressure tanks, and storage tanks. The Board also has oversight to investigate violations of Chapter 624, "Contractors," of NRS. Further, the Board believes that the State Engineer has broader authority concerning the regulation of water wells than the Board.

Thomas K. Gallagher, Professional Engineer

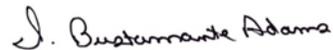
Page 2

September 6, 2012

Based on this information, the Subcommittee urges the Well Drillers' Advisory Board, the State Engineer, and the State Contractors' Board to consult with one another and determine if only one entity should be responsible for regulating water wells. If this function cannot be overseen by a single entity, please inform the Subcommittee of the reasons. The Subcommittee requests that the Advisory Board report back in writing, as soon as possible, with regard to this request.

Should you have any questions or concerns with regard to this matter, please do not hesitate to contact me or legislative staff.

Sincerely,

A handwritten signature in cursive script that reads "I. Bustamante Adams".

Assemblywoman Irene Bustamante Adams  
Chair, Sunset Subcommittee of the  
Legislative Commission

MPT/jc:W122637

cc: Jason King, State Engineer, State Department of Conservation and Natural Resources

Margi A. Grein, Executive Officer, State Contractors' Board

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DONALD O. WILLIAMS, *Research Director* (775) 684-6825

August 31, 2012

Daniel J. Klaich, J.D., Chancellor  
Nevada System of Higher Education  
2601 Enterprise Road  
Reno, Nevada 89512-1666

Dear Chancellor Klaich:

The Sunset Subcommittee of the Legislative Commission (*Nevada Revised Statutes 232B.210*) recently completed its work for the 2011-2012 Legislative Interim. Throughout this period, the Subcommittee heard from several boards, commissions, and similar entities that are not provided for in the *Nevada Constitution* or established by an Executive Order of the Governor. The Subcommittee was charged with determining whether those entities should be terminated, modified, consolidated with another agency, or continued.

At its meeting on March 27, 2012, the Subcommittee received a presentation by the Chair of the Committee on Anatomical Dissection. The Committee is required to record all dead human bodies received and distributed by it and the persons to whom the bodies may be distributed. Members of the Committee noted that it is limited by law to acquire and distribute unclaimed bodies for educational purposes. Currently, there are other organizations using cadavers, but the Committee does not have any jurisdiction over the use of those cadavers. According to testimony, it is important that all entities in the State utilizing cadaveric material for education and research be regulated in order to ensure best practices are being used when handling the bodies.

Therefore, the members of the Subcommittee voted to continue the Committee on Anatomical Dissection and send a letter to the Chancellor of the Nevada System of Higher Education (NSHE) urging NSHE to review the authority and operations of the Committee, and also address the scope of the Committee as it pertains to donated bodies. Members of the Subcommittee felt that NSHE would be best suited to implement changes concerning the scope of this Committee. Further, the Subcommittee members sincerely hope the issue will be resolved to the satisfaction of all interested parties.

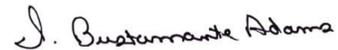
Daniel J. Klaich, J.D., Chancellor

Page 2

August 31, 2012

As Chair of the Sunset Subcommittee, I appreciate your consideration of this important issue. If the Subcommittee's legislative staff or I can be of any assistance to you, please do not hesitate to contact us.

Sincerely,



Assemblywoman Irene Bustamante Adams  
Chair, Sunset Subcommittee of the  
Legislative Commission

MPT/jc:W122620

cc: Crystal Abba, Vice Chancellor for Academic and Student Affairs, NSHE

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LEGISLATIVE COMMISSION (775) 684-6800  
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Rick Combs, *Director, Secretary*

INTERIM FINANCE COMMITTEE (775) 684-6821  
DEBBIE SMITH, *Assemblywoman, Chair*  
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August 31, 2012

Senator Mark A. Manendo, Chair  
Senate Committee on Natural Resources  
4629 Butterfly Circle  
Las Vegas, Nevada 89122-6149

Assemblywoman Maggie Carlton, Chair  
Assembly Committee on Natural Resources, Agriculture, and Mining  
5540 East Cartwright Avenue  
Las Vegas, Nevada 89110-3802

Dear Senator Manendo and Assemblywoman Carlton:

The Sunset Subcommittee of the Legislative Commission (*Nevada Revised Statutes 232B.210*) recently completed its work for the 2011-2012 Legislative Interim. Throughout this period, the Subcommittee heard from several boards, commissions, and similar entities that are not provided for in the *Nevada Constitution* or established by an Executive Order of the Governor. The Subcommittee was charged with determining whether those entities should be terminated, modified, consolidated with another agency, or continued.

At its meeting on June 5, 2012, the Subcommittee received testimony from the State grazing boards, which direct and guide the disposition of the range improvement fund of each grazing district. This disposition is conducted in the manner most beneficial to the payers of the grazing fees and to the counties concerned.

According to testimony, the federal Taylor Grazing Act of 1934 gave the United States Secretary of the Interior the authority to place public lands valuable for grazing and foraging crops into grazing districts. The Division of Grazing of the Bureau of Land Management (BLM) worked with local ranchers and the State to develop grazing policies and determine grazing district boundaries. Nevada's grazing districts were established beginning in 1935, with the final district established in 1951. Nevada has six grazing districts, each with its own board. District No. 5 in Las Vegas does not have a board since there are no grazing operators in Clark County. The grazing boards supervise the expenditures of range improvement funds by planning for projects and administering the funds for the benefit of the livestock industry.

Senator Mark A. Manendo  
Assemblywoman Maggie Carlton  
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The boards do not receive any State or county funds; rather, the grazing fees paid to the BLM provide their funding.

Members of the Subcommittee noted that there may be advantages to combining the districts of the State grazing boards, such as eliminating the duplication of services, and additional gains by future changes to the State grazing boards. Therefore, the Subcommittee urges you to consider this matter during the upcoming legislative session.

As Chair of the Sunset Subcommittee, I appreciate your consideration of this important issue. If the Subcommittee's legislative staff or I can be of any assistance to you, please do not hesitate to contact us.

Sincerely,



Assemblywoman Irene Bustamante Adams  
Chair, Sunset Subcommittee of the  
Legislative Commission

MPT/jc:W122619

STATE OF NEVADA  
LEGISLATIVE COUNSEL BUREAU

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August 31, 2012

Diane L. Shaffer, Executive Director  
Nevada State Funeral Board  
4894 Lone Mountain Road, PMB 186  
Las Vegas, Nevada 89130-2239

Sophia Long, Deputy Attorney General  
Office of the Attorney General  
Grant Sawyer State Office Building  
555 East Washington Avenue, Suite 3900  
Las Vegas, Nevada 89101-1068

Dear Ms. Shaffer and Ms. Long:

The Sunset Subcommittee of the Legislative Commission (*Nevada Revised Statutes* 232B.210) recently completed its work for the 2011-2012 Legislative Interim. Throughout this period, the Subcommittee heard from several boards, commissions, and similar entities not provided for in the *Nevada Constitution* or established by an Executive Order of the Governor. The Subcommittee was charged with determining whether those entities should be terminated, modified, consolidated with another agency, or continued.

At the Subcommittee's meeting on June 5, 2012, the Nevada State Funeral Board provided an overview of its services, which includes regulating funeral homes and burial services. The Board also investigates complaints and may take disciplinary action against a licensee. Subcommittee members expressed concern regarding the retention of the Board's records. Therefore, the Subcommittee urges the Board and the Office of the Attorney General to review the Board's records retention schedule to ensure compliance with the law. The Subcommittee further requests that the Board report back in writing, as soon as possible, with regard to its compliance.

Should you have any questions or concerns with regard to this matter, please do not hesitate to contact me or legislative staff.

Sincerely,

Assemblywoman Irene Bustamante Adams  
Chair, Sunset Subcommittee of the  
Legislative Commission

MPT/jc:W122618  
cc: Members of the Nevada State Funeral Board

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August 31, 2012

The Honorable Brian Sandoval  
Governor of Nevada  
101 North Carson St, Suite 1  
Carson City, Nevada 89701-4786

Dear Governor Sandoval:

The Sunset Subcommittee of the Legislative Commission (*Nevada Revised Statutes 232B.210*) recently completed its work for the 2011-2012 Legislative Interim. Throughout this period, the Subcommittee heard from several boards, commissions, and similar entities that are not provided for in the *Nevada Constitution* or established by an Executive Order of the Governor. The Subcommittee was charged with determining whether those entities should be terminated, modified, consolidated with another agency, or continued.

At its meeting on June 5, 2012, representatives of the State Board of Oriental Medicine provided testimony to the Subcommittee that the Board protects the public from unqualified individuals and individuals practicing Oriental medicine without proper licensure. Additionally, Subcommittee members were informed that there has not been a public member on the Board for the past three years. Therefore, the Subcommittee voted to request that you expeditiously appoint a public member to ensure that the Board continues to effectively protect the public's safety and welfare, as well as regulating the practice of Oriental medicine.

Thank you for your consideration of this important request. As always, please do not hesitate to contact me if the Subcommittee or I may be of any assistance.

Sincerely,

A handwritten signature in cursive script that reads "Irene Bustamante Adams".

Assemblywoman Irene Bustamante Adams,  
Chair, Sunset Subcommittee of the  
Legislative Commission

MPT/jc:W122534  
cc: Members of the State Board of Oriental Medicine

## APPENDIX D

### Suggested Legislation

The following bill draft requests will be available during the 2013 Legislative Session, or can be accessed after “Introduction” at the following website: <http://www.leg.state.nv.us/Session/77th2013/BDRList/page.cfm?showAll=1>.

- |            |  |
|------------|--|
| BDR -160   | Revises provisions governing the Sunset Subcommittee of the Legislative Commission |
| BDR 40-571 | Abolishes the Committee on Co-Occurring Disorders.                                 |
| BDR 18-572 | Abolishes the Nevada Commission on Sports.   |
| BDR 54-573 | Revises provisions governing the Nevada State Funeral Board.                       |
| BDR 56-577 | Revises provisions governing Credit Union Advisory Council.                        |

