

## Amendment No. 411

Assembly Amendment to Assembly Bill No. 474

(BDR 18-889)

**Proposed by:** Assembly Committee on Government Affairs**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date	
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

JRS/WLK



Date: 4/21/2011

A.B. No. 474—Creates the Sunset Subcommittee of the Legislative Commission to review certain boards and commissions. (BDR 18-889)



## ASSEMBLY BILL NO. 474—COMMITTEE ON WAYS AND MEANS

MARCH 28, 2011

Referred to Concurrent Committees on Government  
Affairs and Ways and Means

SUMMARY—Creates the Sunset Subcommittee of the Legislative Commission to review certain boards and commissions. (BDR 18-889)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to governmental administration; creating the Sunset Subcommittee of the Legislative Commission; providing for its membership; requiring the Sunset Subcommittee to review certain boards and commissions in this State to determine the need for the termination, consolidation, modification or continuation of those boards and commissions; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law establishes the Legislative Commission and provides for its powers and duties, which consist of, in part, investigating and inquiring into subjects upon which the Legislature may act by the enactment or amendment of statutes, governmental problems, important issues of public policy or questions of statewide interest. (NRS 218E.150, 218E.175) Existing law also provides for certain standing subcommittees of the Legislative Commission to carry out ongoing duties, such as the Audit Subcommittee and the Budget Subcommittee. (NRS 218E.240, 218E.255) Finally, existing law requires the Legislative Commission to conduct reviews of existing agencies to determine whether each agency should be terminated, consolidated with another agency or continued. (NRS 232B.010-232B.100)

**Section 2** of this bill creates the Sunset Subcommittee of the Legislative Commission and sets forth its membership. **Section 3** of this bill specifies the Sunset Subcommittee's primary duties, which are: (1) to conduct reviews of all boards and commissions in this State which are not provided for in the Constitution of this State or established by an executive order of the Governor and determine whether each board or commission should be terminated, modified, consolidated with another agency or continued; (2) to make recommendations for improving the boards or commissions which are to be modified, consolidated or continued; and (3) to determine whether any tax exemptions, abatements or money set aside for a board or commission should be terminated, modified or continued. **Section 3** also requires the Sunset Subcommittee to assess each board or commission reviewed for the cost of conducting the review.

**Section 4** of this bill requires each board and commission to submit certain information about itself and how it operates to the Sunset Subcommittee and authorizes the Sunset Subcommittee to direct the Legislative Counsel Bureau to assist the Sunset Subcommittee in investigating, reviewing and analyzing the information submitted. **Section 5** of this bill requires the Sunset Subcommittee to hold public hearings to receive commentary on whether

a board or commission should be terminated, modified, consolidated or continued. ~~and to accept testimony from members of the general public, any person regulated by the board or commission and representatives or members of the board or commission.~~ Section 6 of this bill requires the Sunset Subcommittee to make recommendations for direct legislative action to carry out its recommendations regarding the termination, modification, consolidation or continuation of a board or commission. ~~Finally, section 7 of this bill provides the administrative details of how the existence of a board or commission will be terminated.~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** Chapter 232B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

**Sec. 2. 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 the 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.*

~~4. 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.*

~~5. 6.~~ *A vacancy on the Sunset Subcommittee must be filled in the same manner as the original appointment.*

~~6. 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.*

~~7-7~~ 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.

~~9-7~~ 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.

Sec. 3. 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 Constitution of this State 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 recommendation 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 section 4 of this act, 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 sections 2 to 7, inclusive, of this act is in addition or supplemental to any action taken by the Legislative Commission pursuant to NRS 232B.010 to 232B.100, inclusive.

Sec. 4. 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;*
- ~~(e)~~ (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;*
- ~~(d)~~ (i) The operating budget of the board or commission;*
- ~~(e)~~ (j) A statement setting forth the income and expenses of the board or commission for at least ~~5~~ 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;*
- ~~(f)~~ (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;*
- ~~(g)~~ (n) A conclusion concerning the effectiveness of the objectives and programs of the board or commission;*
- ~~(h)~~ (o) Any recommendations for statutory changes which are necessary for the board or commission to carry out its objectives and programs; and*
- ~~(i)~~ (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.*

*Sec. 5. 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. ~~At any hearing held pursuant to this section, information may be presented by:~~*

- ~~(a) A member of the general public;~~*
- ~~(b) Any person who is regulated by the board or commission; and~~*
- ~~(c) A representative or member of the board or commission.~~*

*~~3.~~ The Sunset Subcommittee shall consider any report submitted to it by the Legislative Counsel Bureau.*

*~~4.~~ 3. A board or commission has the burden of proving that there is a public need for its continued existence.*

*Sec. 6. 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 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.

~~Sec. 7. 1. A board or commission may continue in existence until July 1 of the year immediately succeeding the effective date of its termination for the purpose of winding up its affairs, unless the board or commission has been consolidated with another board or commission.~~

~~2. The powers and duties of a board or commission are not abrogated or otherwise limited during the period between its termination and the following July 1, but no board or commission may enter into or let any contract the performance of which extends beyond July 1 of the year immediately following the year in which it is terminated.~~

~~3. The Director of the Department of Administration is responsible for disposing of any property of a terminated board or commission. All assets and liabilities of a board or commission which has been consolidated with another board or commission must be taken over by the successor board or commission. Money in the State Treasury which is held in a special fund for a board or commission which has been terminated reverts to the State General Fund on July 1 of the year immediately following the year in which the board or commission is terminated.~~ (Deleted by amendment.)

Sec. 8. NRS 232B.010 is hereby amended to read as follows:

232B.010 As used in ~~[this chapter,]~~ *NRS 232B.010 to 232B.100, inclusive*, unless the context otherwise requires, "agency" means any public agency which the Legislature has designated to be the subject of a review by the Legislative Commission.

Sec. 9. NRS 232B.080 is hereby amended to read as follows:

232B.080 1. 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 continued operation of an agency, and its efficiency and effectiveness.

2. At any hearing held ~~[under this chapter,]~~ *pursuant to NRS 232B.010 to 232B.100, inclusive*, information may be presented by:

- (a) Members of the general public;
- (b) Any person who is regulated by the agency; and
- (c) Representatives of the agency.

3. The Legislative Commission shall consider any report submitted to it by the Legislative Counsel Bureau.

4. An agency has the burden of proving that there is a public need for its continued existence or regulatory function.

Sec. 10. 1. On or before August 1, 2011, the Governor shall submit to the Legislative Commission the names of at least three nominees who are qualified for membership on the Sunset Subcommittee of the Legislative Commission pursuant to subsection 2 of section 2 of this act.

2. On or before September 1, 2011:

1 (a) The Majority Leader of the Senate shall appoint three members of the  
2 Sunset Subcommittee pursuant to paragraph (a) of subsection 1 of section 2 of  
3 this act.

4 (b) The Speaker of the Assembly shall appoint three members of the  
5 Sunset Subcommittee pursuant to paragraph (b) of subsection 1 of section 2 of  
6 this act.

7 (c) The Chair of the Legislative Commission shall appoint three members  
8 of the general public from among the names of the nominees submitted by the  
9 Governor pursuant to subsection 1.

10 ~~[Sec. 10.]~~ *Sec. 11.* This act becomes effective on July 1, 2011.