

ASSEMBLY BILL NO. 383—ASSEMBLYWOMAN
BUSTAMANTE ADAMS

MARCH 18, 2013

JOINT SPONSORS: SENATORS KIECKHEFER AND SMITH

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing the Sunset Subcommittee of the Legislative Commission. (BDR 18-160)

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; authorizing the Sunset Subcommittee of the Legislative Commission to recommend the auditing of certain boards or commissions; providing that certain members of the Sunset Subcommittee are nonvoting members; decreasing the number of boards and commissions that the Sunset Subcommittee is required to review; removing the requirement that the Sunset Subcommittee submit a written assessment to a board or commission setting forth the costs of a review; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires the Sunset Subcommittee of the Legislative Commission
2 to conduct a review of certain boards and commissions in this State. The Sunset
3 Subcommittee is required to review: (1) not less than 20 such boards and
4 commissions each year; and (2) each board and commission subject to review not
5 less than once every 10 years. The Sunset Subcommittee also must submit a written
6 assessment to each board or commission that is reviewed which sets forth the costs
7 of the review, and the board or commission must pay such an amount to the Sunset
8 Subcommittee. (NRS 232B.220) **Section 3** of this bill revises these provisions and
9 only requires the Sunset Subcommittee to review not less than 10 boards and
10 commissions each legislative interim. **Section 3** additionally removes the
11 provisions concerning the written assessment.



Section 1 of this bill provides that at any time during a legislative interim, if the Sunset Subcommittee determines that a board or commission should be audited, the Sunset Subcommittee must make a recommendation to the Legislative Commission, and the Legislative Commission must determine whether to direct the Legislative Auditor to perform an audit. The Legislative Auditor is prohibited from performing more than four such audits during a legislative interim.

Section 2 of this bill specifies that the members of the Sunset Subcommittee who are members of the general public are nonvoting members.

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 a new section to read as follows:

1. At any time during a legislative interim, if the Sunset Subcommittee of the Legislative Commission determines that a board or commission subject to review by the Sunset Subcommittee should be audited, the Sunset Subcommittee shall make such a recommendation to the Legislative Commission. The Sunset Subcommittee shall include with its recommendation a summary of the justification for the recommendation.

2. After receiving a recommendation from the Sunset Subcommittee pursuant to subsection 1, the Legislative Commission shall evaluate the recommendation and determine whether to direct the Legislative Auditor to perform an audit of the board or commission pursuant to NRS 218G.120. In making its determination, the Legislative Commission shall consider the current workload of the Audit Division of the Legislative Counsel Bureau.

3. The Legislative Auditor shall not perform more than four audits directed by the Legislative Commission pursuant to this section during a legislative interim.

Sec. 2. NRS 232B.210 is hereby amended to read as follows:

232B.210 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 **voting** 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 **voting** 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 **nonvoting** 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 **voting** 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~~ **Four voting** 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.

Sec. 3. NRS 232B.220 is hereby amended to read as follows:

232B.220 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 ~~1~~:

~~—(a) Not~~ *not* less than ~~120~~ *10* boards and commissions specified in subsection 1 each ~~1 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.~~ *legislative interim.*

3. Any action taken by the Sunset Subcommittee concerning a board or commission pursuant to NRS 232B.210 to 232B.250, inclusive, *and section 1 of this act* is in addition or supplemental to



- 1 any action taken by the Legislative Commission pursuant to NRS
- 2 232B.010 to 232B.100, inclusive.
- 3 **Sec. 4.** This act becomes effective upon passage and approval.

