

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-Fourth Session
May 7, 2007**

The Committee on Government Affairs was called to order by Chair Marilyn K. Kirkpatrick at 8:04 a.m., on Monday, May 7, 2007, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/74th/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Marilyn K. Kirkpatrick, Chair
Assemblywoman Peggy Pierce, Vice Chair
Assemblyman Kelvin Atkinson
Assemblyman Bob Beers
Assemblyman David Bobzien
Assemblyman Chad Christensen
Assemblyman Jerry Claborn
Assemblyman Pete Goicoechea
Assemblyman Ruben Kihuen
Assemblyman Harvey Munford
Assemblywoman Bonnie Parnell
Assemblyman James Settelmeyer
Assemblyman Lynn Stewart
Assemblywoman RoseMary Womack

GUEST LEGISLATORS PRESENT:

Senator Valerie Wiener, Clark County Senatorial District No. 3

Minutes ID: 1149



STAFF MEMBERS PRESENT:

Amber Joiner, Committee Policy Analyst
Scott McKenna, Committee Counsel
Cheryl Williams, Committee Secretary
Olivia Lloyd, Committee Assistant

OTHERS PRESENT:

Jeanette Belz, representing the Association of General Contractors
Nevada Chapter, Nevada Ophthalmological Society, Nevada
Anesthesiology Society
Paul Enos, CEO, Nevada Motor Transport Association
Cheryl Blomstrom, State Director, National Federation of Independent
Business
Tracy Woods, Vice President of Government Affairs, Retail Association of
Nevada:
Erin McMullen, representing Snell and Wilmer, LLP, and the Las Vegas
Chamber of Commerce
Jenny Welsh, Government Affairs Director, Carrara Nevada, Nevada
Association of Realtors
Michael Fischer, Director, Department of Cultural Affairs

Chair Kirkpatrick:

[Roll called. Quorum present.]

We will begin with Senate Bill 367 (1st Reprint).

Senate Bill 367 (1st Reprint): Makes various changes concerning administrative regulations. (BDR 18-129)

Senator Valerie Wiener, Clark County Senatorial District No. 3:

[Read from prepared statement ([Exhibit C](#)).]

Assemblyman Goicoechea:

What concerns me is not having the ability to hold the workshop and the regular hearing on the same day. Sometimes these federal agencies go to rural areas and this entails a lot of travel time. Would there be the ability when the meetings are far outside Carson City not to have to make two trips?

Senator Wiener:

This bill will deal with state agencies, and your travel concern was one of the major concerns that drove this legislation. Several people who represent those agencies directly affected by the regulatory process talked to me. One of their concerns was that agencies often will have the workshop and go immediately into the regulatory process. Representatives who come to those meetings then do not have the opportunity to review the intended changes with the people they represent. This bill would give them the opportunity for review.

Assemblyman Goicoechea:

I agree with that, especially if those hearings are held in Carson City. I realize that they are state agencies, but if a state agency has to go to Elko for a work session and then come back to Carson City, they hold the public hearing on separate days. In some cases it would probably work as long as it was not the final hearing in which the agency was actually going to take action and adopt regulations. We could call it "work session," if it were in one of the rural areas and they were going to bring the meeting back to Carson City. I agree, if they are going to hold a work session here in Carson City, they should not be holding

Senator Wiener:

I would hope that because we are adding different deadlines and more extended time lines, posting the regulations on websites, and making hard copy more available than what is currently practiced, we would have more opportunity for advanced review of these as well.

Assemblyman Goicoechea:

I agree because we have seen notice that there would be a work session with a public hearing the same day here in Carson City. It was evident that the agency did not anticipate anybody would be there, but people filled the room. Because the word leaked out, the agency suspended the meeting.

I appreciate your intent. I just want to make sure that the state agencies would not say, "Well, we are not going out to the rural communities because we would have to go back and forth twice." There is not any place in the law that requires if you have a work session in that jurisdiction that you actually hold a public hearing in that jurisdiction.

Senator Wiener:

I cannot respond to that because I am not sure.

Chair Kirkpatrick:

Mr. Goicoechea, we can get that answer for you. This issue is touchy right now. Last week I appealed a regulation that did not have notification. I believe that it was not fully vetted, but that was not the legislative intent. I support this because we need more transparency.

There is a particular group who is meeting today that has had a workshop and passed the regulations on the same day. Well, who is making those regulations? I think it is overdue, but maybe we need to put in the legislative intent that we do not forget our rules.

Assemblyman Settelmeyer:

I understand the concerns the rural areas have, but I feel the positives outweigh the negatives in this situation. I have seen agencies bring forward a hearing and the work session automatically on the same day, enforcing regulations.

Chair Kirkpatrick:

Is there anyone who would like to speak in favor of S.B. 367 (R1)?

Jeanette Belz, representing the Association of General Contractors Nevada Chapter, Nevada Ophthalmological Society, Nevada Anesthesiology Society:

We are in strong support of this bill. We worked with Senator Wiener last session when we made the initial changes as to how the administrative regulations were reviewed by the Legislative Commission and have found it to be a very fruitful process.

This bill is more of a continuous quality improvement. We have had many instances when we would walk into a hearing and the same day the agency employees were photocopying the new version of the regulations. Sometimes people in Las Vegas did not have the current version and were testifying to Section 6, which was now Section 5, and that becomes confusing.

I would like to share an experience with you that happened to me. There was a situation regarding a posting on the website. Before the regulatory hearing I was looking for a copy of the regulation. Someone in the building sent me a notice stating the regulation was available. I could not find the regulation itself, but when I asked, I was told that the regulation would be posted when it is adopted. I would have liked to have seen the current version. Within a matter of two or three hours, the regulation was posted prior to adoption.

Paul Enos, CEO, Nevada Motor Transport Association:

I am here today in favor of S.B. 367 (R1). For lack of a better term, I think what we are trying to address is "ram and jam" regulations. There was an issue this past spring with the Department of Motor Vehicles (DMV) regarding the suspension of issuing medical waivers for Commercial Driver's Licenses. When the regulation workshop was scheduled, there was a hearing scheduled on the same day and only in Carson City. This regulation could have put 400 people out of jobs. The DMV moved the hearing to another day after we went to the table and protested how the hearing was being done. This allowed the hearing to be a more collaborative process, and in the end we ended up with a better regulation working with Assemblyman Goicoechea and the people who would be impacted. We fully endorse S.B. 367 (R1) because it gives the people affected a chance to collaborate with those agencies and explore what the impact of the proposed regulations are going to be in the real world.

Cheryl Blomstrom, State Director, National Federation of Independent Business:

We are also here in support of S.B. 367 (R1). During the last regulatory process, there was a hearing in Las Vegas one day and a hearing in Reno another day. Neither was broadcast to other locations, so the participants on the other end did not have the benefit of knowing the findings or the comments from the other end of the State. As Mr. Enos stated, "A collaborative process between businesses and their regulatory agencies is clearly the best way to go."

Tracy Woods, Vice President of Government Affairs, Retail Association of Nevada:

We are also in support of this bill. We would appreciate the increased notification of a proposed regulatory change. We also favor the prohibition on holding a public hearing and a workshop on the same day.

Erin McMullen, representing Snell and Wilmer, and the Las Vegas Chamber of Commerce:

We also want to go on record in support of this bill and for giving people a better chance to comment.

Jenny Welsh, Government Affairs Director, Carrara Nevada, Nevada Association of Realtors:

We are also in support of the bill.

Chair Kirkpatrick:

Is there anyone else who would like to testify in support of S.B. 367 (R1)? [There were none.] Is there anyone who is neutral? [There were none.] Is there anyone who is in opposition to S.B. 367 (R1)? [There were none.]

ASSEMBLYMAN SETTELMAYER MOVED TO DO PASS
SENATE BILL 367 (1st Reprint).

ASSEMBLYMAN STEWART SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Assemblyman Goicoechea:

I would like to be on record as supporting the bill; I just want to make sure that the rural areas continue to have workshops prior to taking the formal action of the public hearing in which they vote.

Chair Kirkpatrick:

Mr. McKenna, do we need to include that in the legislative intent? Can we make sure it is clear?

Scott McKenna, Committee Counsel:

Yes, absolutely. What Mr. Goicoechea had to say is on the record, and I understand what the Committee is looking to do.

Chair Kirkpatrick:

We will now move on to our work session document.

Amber Joiner, Policy Analyst:

The first measure in your work session document is Senate Bill 56.

Senate Bill 56: Revises provisions relating to building codes. (BDR 20-378)

[Read bill explanation from work session document ([Exhibit D](#)).]

ASSEMBLYWOMAN PARNELL MOVED TO DO PASS
SENATE BILL 56.

ASSEMBLYMAN GOICOECHEA SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Amber Joiner, Committee Analyst:

The next bill is Senate Bill 81.

Senate Bill 81: Requires state and local plans for emergency management to address the needs of persons with pets or service animals. (BDR 19-213)

[Read bill explanation from work session document ([Exhibit E](#)).]

ASSEMBLYMAN CLABORN MOVED TO DO PASS
SENATE BILL 81.

ASSEMBLYMAN BEERS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Amber Joiner, Committee Policy Analyst:

The next bill in your work session document is Senate Bill 136.

Senate Bill 136: Designates the month of May of each year as Archeological Awareness and Historic Preservation Month in Nevada. (BDR 19-213)

[Read bill explanation and proposed amendments from work session document ([Exhibit F](#)).]

ASSEMBLYMAN CLABORN MOVED TO AMEND AND DO PASS AS
AMENDED SENATE BILL 136.

ASSEMBLYWOMAN PIERCE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Amber Joiner, Committee Policy Analyst:

The next bill in your work session document is Senate Bill 196.

Senate Bill 196: Revises provisions relating to the Department of Cultural Affairs. (BDR 18-129)

[Read bill explanation from work session document ([Exhibit G](#)).]

Assemblywoman Parnell:

I am confused as to the last line where it reads, "Additionally this measure changes the name of the Nevada State Museum and Historical Society to the Nevada State Museum."

Chair Kirkpatrick:

We are just removing Historical Society, correct?

Assemblyman Settlemeyer:

The Nevada State Museum and Historical Society exists only in Las Vegas. Maybe we should have clarification from Mr. Fischer. I believe it is no big deal to allow the Nevada State Museum and Historical Society, which only exists in Las Vegas, to become the Nevada State Museum, Las Vegas. I do not believe that it affects any museum up here in the north.

Assemblywoman Parnell:

It just seems to me that when we already have the Nevada State Museum, to have another one that is called the Nevada State Museum, Las Vegas, would be confusing.

Chair Kirkpatrick:

I know that this was a topic of discussion because I specifically asked why we were changing the name.

Michael Fischer, Director, Department of Cultural Affairs:

The Las Vegas Springs Preserve area will house the Nevada State Museum, Las Vegas. In a number of marketing studies, people found the original name to be confusing. The name change is merely to enhance our ability to market that the Las Vegas Springs Preserve exists only in Las Vegas and would change the name to the Nevada State Museum, Las Vegas.

Chair Kirkpatrick:

Does anyone else have any questions? [There were none.]

ASSEMBLYMAN STEWART MOVED TO DO PASS
SENATE BILL 196.

ASSEMBLYMAN BEERS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Ms. Joiner will go on to Senate Bill 269 (1st Reprint).

Senate Bill 269 (1st Reprint): Makes various changes to provisions governing land use planning regarding military installations. (BDR 22-111)

Amber Joiner, Committee Policy Analyst:

[Read bill explanation from work session document ([Exhibit H](#)).]

ASSEMBLYWOMAN PARNELL MOVED TO DO PASS
SENATE BILL 269 (1st Reprint).

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Kirkpatrick:

We will now move on to Senate Bill 369 (1st Reprint).

Senate Bill 369 (1st Reprint): Revises provisions concerning the recording of certain documents. (BDR 20-58)

Amber Joiner, Committee Policy Analyst:

[Read bill explanation from work session document ([Exhibit I](#)).]

Chair Kirkpatrick:

Is there any discussion on this bill?

ASSEMBLYMAN BEERS MOVED TO DO PASS SENATE BILL 369
(1st Reprint).

ASSEMBLYMAN GOICOECHEA SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

[The next bill in the work session document is Senate Bill 511 (1st Reprint).]

Senate Bill 511 (1st Reprint): Makes various changes relating to state financial administration. (BDR 31-495)

Amber Joiner, Committee Policy Analyst:

[Read bill explanation from work session document ([Exhibit J](#)).]

Chair Kirkpatrick:

Is there any discussion?

ASSEMBLYMAN STEWART MOVED TO DO PASS
SENATE BILL 511 (1st Reprint).

ASSEMBLYWOMAN WOMACK SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Assemblyman Settlemeyer will do the floor statement.

Chair Kirkpatrick:

I want to make a clarification that Senate Bill 369 (1st Reprint) was Senator Townsend's bill not the City of North Las Vegas. Is there any public comment? [There were none.] Meeting adjourned [at 8:36 a.m.].

RESPECTFULLY SUBMITTED:

Cheryl Williams
Committee Secretary

APPROVED BY:

Assemblywoman Marilyn K. Kirkpatrick, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Government Affairs

Date: May 7, 2007

Time of Meeting: 8:00 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 367	C	Senator Valerie Wiener, Clark County Senatorial District No. 3	Prepared Statement
S.B. 56	D	Amber Joiner, Committee Policy Analyst	Work Session Document
S.B. 81	E	Amber Joiner, Committee Policy Analyst	Work Session Document
S.B. 136	F	Amber Joiner, Committee Policy Analyst	Work Session Document
S.B. 196	G	Amber Joiner, Committee Policy Analyst	Work Session Document
S.B. 269	H	Amber Joiner, Committee Policy Analyst	Work Session Document
S.B. 369	I	Amber Joiner, Committee Policy Analyst	Work Session Document
S.B. 511	J	Amber Joiner, Committee Policy Analyst	Work Session Document