MINUTES OF THE 2019-2020 INTERIM
LEGISLATIVE COMMISSION

February 26, 2020

The meeting of the Legislative Commission was called to order by Chair Cannizzaro at 1:07 p.m. at the Grant Sawyer Building, Room 4401, 555 East Washington Avenue, Las Vegas, Nevada, and via videoconference at the Legislative Building, Room 4100, 401 South Carson Street, Carson City, Nevada.

Exhibit A is the Agenda, and Exhibit B is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT (LAS VEGAS):

Senator Nicole Cannizzaro, Senatorial District No. 6; Chair
Senator Moises Denis, Senatorial District No. 2
Senator Scott Hammond, Senatorial District No. 18
Senator Joseph Hardy, Senatorial District No. 12
Assemblywoman Maggie Carlton, Assembly District No. 14
Assemblyman Jason Frierson, Assembly District No. 8
Assemblywoman Sandra Jauregui, Assembly District No. 41 (Alternate for Assemblywoman Teresa Benitez-Thompson)

COMMITTEE MEMBERS PRESENT (CARSON CITY):

Senator Julia Ratti, Senatorial District No. 13; Vice Chair
Senator James Settelmeyer, Senatorial District No. 17
Assemblyman Skip Daly, Assembly District No. 31
Assemblywoman Lisa Krasner, Assembly District No. 26
Assemblyman Jim Wheeler, Assembly District No. 39

STAFF MEMBERS:

Brenda Erdoes, Legislative Counsel, Legal Division, Legislative Counsel Bureau
Kevin Powers, Chief Litigation Counsel, Legal Division, Legislative Counsel Bureau
Risa Lang, Chief Deputy Legislative Counsel, Legal Division, Legislative Counsel Bureau
Mark Krmpotic, Senate Fiscal Analyst, Fiscal Division, Legislative Counsel Bureau
Cindy Jones, Assembly Fiscal Analyst, Fiscal Division, Legislative Counsel Bureau
Dan Crossman, Legislative Auditor, Audit Division, Legislative Counsel Bureau
Michael Stewart, Research Director, Research Division, Legislative Counsel Bureau
Angela Hartzler, Secretary, Legal Division, Legislative Counsel Bureau
Jordan Haas, Secretary, Legal Division, Legislative Counsel Bureau

OTHERS PRESENT:

Senator David Parks, Senatorial District No. 7
Donald Smith, Senior Division Counsel, Division of Industrial Relations, Department of Business and Industry

Senator Nicole Cannizzaro (Senatorial District No. 6; Chair):

Good afternoon and welcome to this meeting of the Legislative Commission. I want to thank everyone for joining us today. We have a fairly short agenda this morning, but some important stuff to go over. At this point, we will go ahead and open up the floor for public comment. That's public comment here in Las Vegas or up in Carson City. If you are here to give comments regarding any of the regulations that are on the calendar as well, now would be the time to go ahead and come up to the chairs to give your comments regarding any of the regulations that we are considering this afternoon. We don't typically take public comment during the course of our discussion on any regulations, so if you do have public comment on anything that is on our agenda, now would be the time to come and make your voice heard. I would just remind everyone that we will keep it to 3 minutes for anyone who would like to give public comment. I don't see anybody racing to the chairs to come and speak to us, so with that, since I don't see anybody coming up for public comment, we will go ahead and close public comment and we'll move to Item III on our agenda. It's the approval of the minutes from meetings held on December 30, 2019 (Agenda Item III A-1) and February 6, 2020 (Agenda Item III A-2). I would note that all members of the Commission should have a copy of those minutes, and I believe they are available online as well. I would accept a motion to approve those minutes.

SENATOR HARDY MOVED TO APPROVE THE MINUTES OF THE MEETINGS HELD ON DECEMBER 30, 2019 AND FEBRUARY 6, 2020.

SPEAKER FRIERSON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Cannizzaro:

The first thing that we will go ahead and start with on Item IV, progress reports and appointments, is Item IV-A, the appointment of the Director of the Legislative Counsel Bureau. I would remind the Commission that the Committee to Consult with the Director did conduct interviews for finalist candidates for the Director of the Legislative Counsel Bureau on February 24 of this week, and the Committee to Consult with the Director did

make a recommendation to all of us. All of the people on the Commission should also have a copy of the letter that was sent from the Chair of the Committee to Consult with the Director, Senator David Parks, who is here (Agenda Item IV-A). I would welcome him up to the dais in case there are questions or comments from members of the Commission. I know that he's available to answer any of those. So, we would welcome you, Senator, to come on up, if you would like. Welcome.

Senator David Parks (Senatorial District No. 7):

Thank you, Madam Chair. I'm here if there are any questions that members of the Commission would like to present to me.

Chair Cannizzaro:

Great, thank you so much. I would note from the correspondence that we received from you on behalf of the Committee that the Committee did vote to unanimously recommend Brenda Erdoes to be appointed as the next Director of the Legislative Counsel Bureau. Do any members of the Commission have any questions or comments or anything that Senator Parks might be able to answer at this point?

Assemblyman Jim Wheeler (Assembly District No. 39):

Thank you, Madam Chair. It's just kind of actually a related question. What is the procedure now to fill Brenda's spot in the Legal Division?

Senator Julia Ratti (Senatorial District No. 13; Vice Chair):

Madam Chair, Ms. Erdoes is coming up to the table.

Chair Cannizzaro:

Fantastic.

Brenda Erdoes (Legislative Counsel, Legal Division, Legislative Counsel Bureau):

Thank you, Madam Chair. I just thought maybe I might be in the best position to answer the question, only because I was probably one of the few people here the last time this happened. The statute requires the Director to appoint someone and then have that person approved by the Legislative Commission. In the past, the only one I've been here for the Director made an appointment and then brought that appointment to the Legislative Commission for approval. When I was appointed, there was not a process that they went through, but I have a lot of great folks in my Division, so we're going to kind of work through this to figure out where we want to go in terms of the next Legislative Counsel. So, that's the plan that we have. If there's something the Legislative Commission would like to recommend instead, we're certainly happy to work with that.

Chair Cannizzaro:

So, as of right now, it would seem that we would be working towards a recommendation from the Director that would be brought forth to this Commission for our consideration.

Ms. Erdoes:

Yes, and I'd like to take about a week. I am very excited to—I have a lot of things that I want to do as Director, so I'm ready to move in there. In case anyone is wondering, I don't plan to do both jobs at any point here, so I'll be asking Mark to continue with the fiscal stuff and asking for help from the other Division Chiefs until I can actually move into the position, but I am very excited to do that soon. But again, I do not plan to do both jobs, just in case anyone was wondering.

Senator James Settelmeyer (Senatorial District No. 17):

Madam Chair, if you're ready for a motion?

Chair Cannizzaro:

Yes, I don't see anyone else with questions here, so a motion is in order, Senator Settelmeyer.

Senator Settelmeyer:

Thank you, Madam Chair. I really appreciate the hard work that the Committee to Consult with the Director had. You had some phenomenal candidates that came forward, both internal and external. I think they did a magnificent job. I also think that they found the hardest working, smartest person that I know of in this building and the best-qualified person for the position. Therefore, I would move that we approve of the recommendation from the Committee to Consult with the Director.

SENATOR SETTELMEYER MOVED TO APPROVE THE RECOMMENDATION OF THE COMMITTEE TO CONSULT WITH THE DIRECTOR TO APPOINT BRENDA ERDOES AS DIRECTOR OF THE LEGISLATIVE COUNSEL BUREAU.

ASSEMBLYWOMAN CARLTON SECONDED THE MOTION.

Chair Cannizzaro:

We do have a motion to approve from Senator Settelmeyer and a second from Assemblywoman Carlton. Any further discussion on the motion?

Senator Ratti:

I just very quickly, as a member of the Committee to Consult with the Director, wanted to share how proud I was of the State of Nevada and particularly the Legislative Counsel Bureau. During that process, we had three internal candidates, and I don't want to continue to put the spotlight on anybody or embarrass anybody, but all three candidates did an extraordinary job and it was a good day for the Legislative Counsel Bureau and a very difficult decision, but the quality of the candidates that we had, particularly our internal candidates, was something for all of us to be proud of. I just wanted to make sure that that was stated for the record, that we have really good people and we're lucky.

Chair Cannizzaro:

I think everyone concurs in that sentiment.

THE MOTION PASSED UNANIMOUSLY.

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Chair Cannizzaro:

Congratulations, Ms. Erdoes. We're very lucky. I think Senator Ratti and Senator Settelmeyer said it best. We're very lucky to have you on board and to have you step into this position. I wanted to thank Senator Parks for chairing that Committee and doing just a really fabulous job, so thank you for guiding us through that and thank you for being here today.

Senator Parks:

Thank you, Madam Chair. I also want to express my appreciation to Ms. Lang for all the assistance she offered in making this a smooth meeting of the Committee. Thank you.

Chair Cannizzaro:

We will go ahead then and move on to Item IV-B, and it's the appointment of alternates to the Legislative Committee on Public Lands. Under statute, the Legislative Commission may appoint alternates for members of the Committee, and we did reach out to leadership of the caucuses to ask for appointments for alternates based upon recommendations from the Chair that we do so to accommodate what can sometimes be a busy schedule for that Committee and can sometimes be a longer workload and so that way it will ensure that there are always good members working hard on that particular Committee. From Senator Settelmeyer, we did receive a request for alternates to Senator Goicoechea of Senator

Settelmeyer and Senator Hammond, and then alternate for Senator Hansen to be Senator Kieckhefer and Senator Seevers Gansert. From Speaker Frierson for alternates for Assemblywoman Swank, we received a recommendation of Assemblyman Yeager and Assemblywoman Carlton; for Assemblyman Watts, Assemblywoman Peters and Assemblywoman Jauregui; and alternates for Assemblyman Daly, Assemblyman Assefa and Assemblywoman Bilbray-Axelrod. We also received from Assemblywoman Titus alternates for Assemblywoman Hansen, which would be Assemblyman Ellison and Assemblywoman Titus. Then from myself, we would be recommending Senator Brooks and Senator Harris as alternates for Senator Parks and Senator Scheible. With that, I would accept a motion to approve those alternates. I'm sorry, there is one other alternate I did want to actually go over. There is also a representative of a governing body of a local political subdivision. Currently appointed to this Committee is Mayor Daniel Corona from West Wendover, and we did receive two additional recommendations in the course of appointments to this Committee for Nye County Commissioner Lorinda Wichman and Clark County Commissioner Tick Segerblom, and so we would be moving to approve them as alternates for the Mayor should he be unable to attend those meetings as well.

SENATOR HARDY MOVED TO APPROVE THE FOLLOWING ALTERNATE MEMBERS FOR THE LEGISLATIVE COMMITTEE ON PUBLIC LANDS: SENATOR SETTELMEYER AND SENATOR HAMMOND FOR SENATOR GOICOECHEA; SENATOR KIECKHEFER AND SENATOR SEEVERS GANSERT FOR SENATOR HANSEN; ASSEMBLYMAN YEAGER AND ASSEMBLYWOMAN CARLTON FOR ASSEMBLYWOMAN SWANK; ASSEMBLYWOMAN PETERS AND ASSEMBLYWOMAN JAUREGUI FOR ASSEMBLYMAN WATTS; ASSEMBLYMAN ASSEFA AND ASSEMBLYWOMAN BILBRAY-AXELROD FOR ASSEMBLYMAN DALY; ASSEMBLYMAN ELLISON AND ASSEMBLYWOMAN TITUS FOR ASSEMBLYWOMAN HANSEN; SENATOR BROOKS AND SENATOR HARRIS FOR SENATOR PARKS AND SENATOR SCHEIBLE; AND COMMISSIONER LORINDA WICHMAN AND COMMISSIONER TICK SEGERBLOM FOR DANIEL CORONA.

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Cannizzaro:

We will move on to Item IV-C. It is appointment of members to the Nevada Silver Haired Legislative Forum (Agenda Item IV-C). We had seats that were up for appointment in Senate Districts 12 and 13, and we did receive a request for nomination of Ross Johnson

for Senate District 12 on behalf of Senator Hardy and Lucille Adin for Senate District 13 on behalf of Senator Ratti. I would accept a motion to approve those requests for the appointment to the Nevada Silver Haired Legislative Forum.

SENATOR DENIS MOVED TO APPOINT ROSS JOHNSON AND LUCILLE ADIN TO THE NEVADA SILVER HAIRED LEGISLATIVE FORUM.

ASSEMBLYWOMAN CARLTON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Cannizzaro:

We will move on to Item V, which is a review of administrative regulations. Members of the Commission will know that they do have copies of these regulations. They were provided those as well, and I also believe they are available online for the regulations that we have for today (Agenda Item V). At this point in time, I would ask if there are any members of the Commission who would like to have any of these regulations pulled for additional consideration to include questions of the departments that have brought forward these regulations. I have not been advised of any previously, and we don't have any informational items. At this point in time, if there are any Commission members who would like to have specific regulations pulled, now would be the time.

Assemblyman Skip Daly (Assembly District No. 31):

Real quick, I have one quick question for two—same question for both regulations. That's R025-18 and R026-18. Quick question just for the record.

Chair Cannizzaro:

So, we have R025-18 and R026-18. Any additional regulations wish to be pulled for individual consideration? Seeing none, I would accept a motion.

SENATOR SETTELMEYER MOVED TO APPROVE R132-18, R051-19, R085-19 AND R105-19.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Cannizzaro:

We will now move to consider each of the two regulations that were asked to be pulled. We'll start with R025-18, although I do think Assemblyman Daly said he may have similar questions for both. So, the Board for the Administration of the Subsequent Injury Account for Self-Insured Employers, whenever you are ready. If you'd like to speak to both regulations, it sounds like there are similar questions as to both, and then we'll let Assemblyman Daly ask his questions.

Donald Smith (Senior Division Counsel, Division of Industrial Relations, Department of Business and Industry):

I'm here just essentially to answer Assemblyman Daly's questions. These two boards both function inside the Division of Industrial Relations for the Subsequent Injury Account. Yes, I'm here for both questions. I hope it's the same question twice.

Assemblyman Daly:

Thank you, Madam Chair. Same question for both regulations. You can answer them all in one. It's just a clarifying one. If I understood the way this process works, I just wanted to make sure that this was about reimbursement to any employer for compensation for an injured worker who's already received his benefit or going to receive, and the criteria that you use on the various manuals on how you can do that reimbursement has nothing to do with the manual to be used when you're rating the disability, partial or permanent, for the worker, because I believe the statute refers to volume 5 and that hasn't changed, and that applies to the worker, and then you have varying rating manuals that you could use when you're talking about reimbursement for the employer. So, I just wanted to make sure that those were separate issues and this is only applying to the employer. It wouldn't have anything to do with a rating or determination on an employee that was injured. That make sense?

Mr. Smith:

Yes, it does. I'll try to answer both questions. It's the same for both forums. Subsequent injury: what happens is you have a prior injury in which the person had a 7 percent rated condition for a particular body part. The subsequent injury reimbursement, and it is reimbursement for the benefit of the employer, is actual claims costs expended on a second claim resulting from the same body part in excess of 6 percent. So, for instance, you have somebody who originally had a 6 percent injury to, let's take the right wrist. Total

claims expenditure is already paid. At a later point in time while they had been retained in employment by that same employer, they then have another right wrist injury, and let's say it is originally rated at 10 percent. The 6 is deducted out, so it's a 4 percent additional. It would be the insurer then coming and qualifying and requesting reimbursement for the claims cost on that second claim, and it would only be the amount additional above the 6, as well as any other claims, expenditures and costs. Does that make sense?

Assemblyman Daly:

I think so, and thank you. That's what I understood when I was reading through the regulation. I just wanted to make sure the process that is used to rate the employee has nothing to do with the process that's used on the reimbursement to the employer. They're separate, and the manual for rating the employee is still at edition 5, I believe it is, and whatever manual you might be using to reimburse the employer may be less favorable or more favorable. I don't know which. I know he can't get reimbursed more than his cost. But if it's a less favorable system using these other manuals, that has nothing to do with the employee. That's all I wanted to make sure of and have on the record.

Mr. Smith:

Yes, it has nothing to do with the expenses and costs and benefits already paid to the employee.

Assemblyman Daly:

Thank you. That was it, Madam Chair, if you're ready for a motion?

Chair Cannizzaro:

Yes. Seeing no other questions from members of the Commission, I would accept a motion to approve R025-18 and R026-18.

ASSEMBLYMAN DALY MOVED TO APPROVE R025-18 AND R026-18.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Cannizzaro:

Thank you so much for being here. That concludes our consideration and the review of administrative regulations. We'll move on to Item VI, which is public comment. If there's anyone in Carson City or here in Las Vegas wishing to give public comment? I don't see anybody rushing up, so we will go ahead and close public comment. At this point, that concludes our business of the Legislative Commission. Thank you, everyone, for being here today, and we are adjourned at 1:27 p.m.

RESPECTFULLY SUBMITTED:

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Jordan Haas, Secretary

APPROVED BY:

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Senator Nicole Cannizzaro, Chair

Date: _____

Agenda Item	Witness/Agency	Description
A		Agenda
B		Attendance Roster
Agenda Item III A-1	Jordan Haas, Secretary	Draft Minutes of the December 30, 2019 Meeting
Agenda Item III A-2	Jordan Haas, Secretary	Draft Minutes of the February 6, 2020 Meeting
Agenda Item IV-A	Senator David Parks, Chair of the Committee to Consult with the Director	Communication Regarding the Appointment of the Director of the Legislative Counsel Bureau
Agenda Item IV-C	Marsheilah Lyons, Deputy Research Director	Appointments to the Nevada Silver Haired Legislative Forum
Agenda Item V	Brenda J. Erdoes, Legislative Counsel	Administrative Regulations for Review