

Minutes of the
LEGISLATIVE COMMISSION
Nevada Legislative Counsel Bureau (LCB)
May 29, 2009

The second meeting in 2009 of the Legislative Commission, created pursuant to Nevada Revised Statutes (NRS) 218.660, was held on Friday, May 29, 2009, commencing at 3:21 p.m., in Room 4100 of the Legislative Building, 401 S. Carson Street, Carson City, Nevada with a simultaneous video conference to Room 4401 of the Grant Sawyer State Office Building, 555 E. Washington Avenue, Las Vegas, Nevada.

COMMISSION MEMBERS PRESENT IN CARSON CITY:

Senator Randolph J. Townsend, Outgoing Chair
Senator Maggie Carlton
Senator Warren B. Hardy, II
Senator Steven A. Horsford
Senator Maurice E. Washington
Senator Joyce L. Woodhouse
Assemblyman John C. Carpenter
Assemblyman Marcus L. Conklin
Assemblywoman Marilyn Kirkpatrick
Assemblyman John Ocegüera
Assemblyman James A. Settlemeyer
Assemblywoman Debbie Smith

LCB STAFF PRESENT IN CARSON CITY:

Lorne J. Malkiewich, Director
Brenda J. Erdoes, Legislative Counsel
Mark W. Stevens, Assembly Fiscal Analyst
Paul V. Townsend, Legislative Auditor
Donald O. Williams, Research Director
Marilyn K. White, Assistant to Director

The meeting was called to order by Chair Townsend. The agenda is attached as Exhibit A. While there were many people in the audience, no individuals signed the attendance records so there are none attached as exhibits for this meeting.

Item I – Approval of minutes of the December 16, 2008, and February 10, 2009, meetings – Senator Randolph J. Townsend, Chair.

Material for this item is attached as Exhibit B.

ASSEMBLYMAN CONKLIN MOVED APPROVAL OF THE MINUTES OF THE DECEMBER 16, 2008, AND FEBRUARY 10, 2009, MEETINGS. MOTION SECONDED BY ASSEMBLYMAN CARPENTER AND CARRIED UNANIMOUSLY.

Item II – Legislative Commission Policy:

A. Review of administrative regulations:

Mr. Malkiewich commented this item was put on the agenda in case the “Child Care” regulations had been adopted but they were not. Consequently, there were no regulations to be considered at this meeting.

B. Approval of transfer of Appropriated Sums Among Legislative Commission and Various Divisions of the Legislative Counsel Bureau – Lorne J. Malkiewich, Director.

Mr. Malkiewich explained that this is a precautionary item. The Appropriations Act gives authority to move money from budget to budget and there should be savings in all five divisions and the Legislative Commission and interim budget. He said in case something happens, this request allows him to shift money between them and he is requesting approval to do so. Material for this item is attached as Exhibit C.

ASSEMBLYMAN CARPENTER MOVED APPROVAL OF THE REQUEST FROM THE DIRECTOR. MOTION SECONDED BY ASSEMBLYMAN CONKLIN AND CARRIED UNANIMOUSLY.

C. Amendments to Rules and Policies of the Legislative Counsel Bureau, Travel Policy for Legislators Attending Meetings of National Organizations – Lorne J. Malkiewich, Director.

Mr. Malkiewich announced that the budget for the Legislative Commission includes no money for out-of-state travel. This is repealing the policy that cut legislators from three trips to one trip and establishing a policy that legislators cannot get reimbursed for out-of-state travel and that includes meals, lodging, salary and registration. The chair called for any questions and Mr. Malkiewich reconfirmed for Senator Carlton that it included no reimbursement for registration. Material for this item is attached as Exhibit D.

ASSEMBLYMAN CONKLIN MOVED ADOPTION OF THE AMENDMENT TO THE TRAVEL POLICY. MOTION SECONDED BY ASSEMBLYMAN CARPENTER AND CARRIED UNANIMOUSLY.

D. Amendments to Rules and Policies of the Legislative Counsel Bureau to Suspend Longevity Pay and Merit Increases, Establish Furlough Policy and Repeal Amendment Concerning Compensatory Time – Lorne J. Malkiewicz, Director.

Mr. Malkiewicz explained that the closed budget has no money for merit increases or for longevity pay so this amendment is suspending them for two years. It is also adopting a furlough policy basically paralleling Senate Bill 433, indicating that all LCB employees need to take 96 hours in a year and the LCB will continue making the contributions to the Public Employees Retirement System so that will not be affected. He recalled that Rule 25 was something that was adopted in December 2008 and said that if an employee carried compensatory time out of session, it would be charged back to the legislative session to try and save some money in the budget. He said with the furlough leave, he thought members did not want to encourage excess compensatory time out of the legislative session. He suggested repealing that amendment and noted that it is really just an accounting matter and whether it gets charged to session or LCB budgets. He said he did not want people thinking that they can save money by carrying it out of session. The effective dates are ensuring that they only take effect if the underlying legislation becomes law. Material for this item is attached as Exhibit E.

ASSEMBLYMAN OCEGUERA MOVED APPROVAL OF THE AMENDMENTS AS PROPOSED AND THE REPEAL OF THE AMENDMENT CONCERNING COMPENSATORY TIME. MOTION SECONDED BY ASSEMBLYMAN CONKLIN AND CARRIED UNANIMOUSLY.

Item III – Election of Chair and Vice Chair of the Legislative Commission.

The following remarks were made prior to action under this agenda item.

Chair Townsend said, “I want to take just a moment to thank every person that works in the Legislative Counsel Bureau. Over my 28 years here and a couple of terms as Chairman and serving, I think as the longest serving member of the Legislative Commission and, maybe its longest serving chair, I don’t know it’s not something I was looking to do, I’ve gotten to know the vast majority of individuals who work for this wonderful organization. There is no one in this country who could be held to the standards that this group is held. There is a lot of debate about this organization but I can assure the public, based on my experience, that without every single one that works here from Mr. Malkiewicz, our Executive Director, down to the person that goes out there and cuts the lawn, this organization is the reason we are successful in terms of turning out a product for the public who sent us here, in every division. It’s been an honor to work with the Legal Division. Mrs. Erdoes, you are a remarkable find, and we don’t just appreciate your state service because we know what you’ve given up in your private life and, obviously monetarily, to work for this organization as well as your staff. Mr. Stevens, I know that you and Mr. Ghiggeri have cut back a little bit because of your advancing age and are down to working about 20 hours a day now because you’re slowing up a little bit. But, I’ll tell you, you two and your staffs continue to amaze each

and every one of us. And to our wonderful people in Research, Mr. Williams, you and I have worked together since, I believe, I got here and I can tell you that all the things that most of us don't know that we ask you to find out for us, you have done an incredible, incredible job. I can't thank you, Mr. Sturm and particularly Mr. Young who I've gotten to know for many, many years and actually brought him here, have done for us and what they do for all the chairs. Most of the people on this committee are chairs and I know all the things that you do for them are deeply appreciated. Mr. Townsend I'm sorry you've carried the burden of my last name all these years but I will tell you in reading the product that you provide for the public and to us in auditing these agencies is a remarkable feat. You are the check and balance for the taxpayers and we do appreciate that. And to all the people in your division, Lorne, in Admin. that work in various departments or divisions inside of this building that help the public understand that this is their building and their process and they take care of it and they take care of the public, it's been a remarkable honor. So I thank you and I turn this over to, I believe I have to take a motion for a new chair."

Chair Townsend noted that the chairmanship shifts to the Assembly for the upcoming interim.

ASSEMBLYMAN CONKLIN MOVED TO APPOINT ASSEMBLYMAN OCEGUERA AS CHAIR OF THE LEGISLATIVE COMMISSION. MOTION SECONDED BY SENATOR CARLTON.

Under discussion, Senator Horsford said that he supports the motion and thinks that the Assembly Majority Leader will make a fine chair of the Legislative Commission and he looks forward to working with him as he has this session. Secondly, Senator Horsford said, "I'd like to thank you, Mr. Chair. You always recognize others and you're always so good at recognizing our team that help all of us function here in the Legislature and it's something that I know those of us who've had the opportunity to work with you and serve with you on committees that you've chaired really respect and admire because it helps to create a level of civility in this process that can tend to get a bit crazy. So, I would just like to say that I appreciate everything that you've done, not just as a member of this Legislature over these years but as chair of this Legislative Commission. This building, the remodel, the issues, just so many different things that the Legislative Commission has overseen has primarily been handled because of your leadership as the chair and I think that it goes without saying that the people of Nevada are greatly benefitted by your years of service so thank you very much."

THE CHAIR CALLED FOR A VOTE AND THE MOTION CARRIED UNANIMOUSLY.

Chair Townsend congratulated incoming Chair Oceguera noting that the commission will be in great hands and he looked forward to working with him in the future.

Chair Ocegüera thanked outgoing Chair Townsend and said that it is a honor to serve as the chair of the Legislative Commission and he looks forward to continuing some of the traditions he has started while adding some new ones of his own. He said they have a very challenging time in front of them and he believed that during the interim before the next legislative session the commission will be faced with many, many challenges. He looks forward to the challenges but he sees them as opportunities as well. With great challenges sometimes you have the opportunity to do great things as well. He said, "I know I have a super team here to back me up and help us get through that and I look forward to working with each and every one of you."

Chair Ocegüera said he would entertain a motion on the Vice Chair.

ASSEMBLYWOMAN SMITH NOMINATED ASSEMBLYMAN CONKLIN AS VICE CHAIR. MOTION SECONDED BY ASSEMBLYMAN CARPENTER AND CARRIED UNANIMOUSLY.

Mr. Conklin said that he is honored and hopes that in the rare case the chair might be absent, he can live up to the expectations of the committee.

Item IV – Informational Items:

A. Quarterly Reports on Disciplinary Action from the following Boards or Agencies: Material for this item is attached as Exhibit F.

1. Board of Dental Examiners of Nevada.
2. Board of Examiners for Alcohol, Drug and Gambling Counselors.
3. Board of Examiners for Social Workers.
4. Board of Occupational Therapy.
5. Board of Registered Environmental Health Specialists.
6. Chiropractic Physicians' Board of Nevada.
7. Commissioner of Financial Institutions.
8. Division of Mortgage Lending, Department of Business and Industry.
9. Health Division, Department of Health and Human Services.
10. Nevada State Board of Accountancy.
11. Nevada State Board of Examiners for Long Term Care Administrators.
12. Nevada State Board of Optometry.
13. Real Estate Division, Department of Business and Industry.
14. State Barbers Health and Sanitation Board
15. State Board of Architecture, Interior Design and Residential Design.
16. State Board of Athletic Trainers.
17. State Board of Massage Therapists.
18. State Board of Nursing.

19. State Board of Osteopathic Medicine.
20. State Board of Pharmacy.
21. Nevada State Contractors' Board.
22. State Board of Professional Engineers and Land Surveyors.

B. Miscellaneous Reports or Correspondence from State Agencies and Others:
Material for this item is attached as Exhibit G.

1. Updated Excavation Damage Report from Public Utilities Commission of Nevada submitted pursuant to Section 6 of Senate Bill 396 of the 2007 Legislative Session.
2. Letter from Challenger School regarding child care regulations – letter previously transmitted to members prior to meeting.
3. Letter from Healthy Child Care Nevada / Child Care Health Consultant Project regarding child care regulations – letter previously transmitted to members prior to meeting.
4. Letter from Margaret Oberg regarding child care regulations – letter previously transmitted to members prior to meeting.
5. Letter from Office of Early Care and Education, Division of Welfare and Supportive Services regarding child care regulations – letter previously transmitted to members prior to meeting.
6. Reports from Division of Welfare and Supportive Services and the Housing Division concerning the Annual Evaluation of Programs of Energy Assistance submitted pursuant to NRS 702.280 – reports previously transmitted to members prior to meeting.

There were no questions on the informational items and the chair proceeded to public comment.

Item V – Public Comment:

There being no comments from the public, the meeting was adjourned.

Respectfully submitted,

Marilyn K. White
Assistant to Director

Senator Randolph J. Townsend, Outgoing Chair
Nevada Legislative Commission