Minutes of the

LEGISLATIVE COMMISSION

Nevada Legislative Counsel Bureau (LCB)

September 18, 2007

The third meeting in 2007 of the Legislative Commission, created pursuant to *Nevada Revised Statutes* (NRS) 218.660, was held on Tuesday, September 18, 2007, commencing at 8:17 a.m., in Room 4100 of the Legislative Building, 401 S. Carson Street, Carson City, Nevada with a simultaneous video conference to Room 4412 of the Grant Sawyer State Office Building, 555 E. Washington Avenue, Las Vegas, Nevada.

COMMISSION MEMBERS PRESENT:

Senator Randolph J. Townsend, Chair (in Carson City)
Senator Mike McGinness, Vice Chair (in Carson City)
Senator Terry Care (in Carson City)
Senator Warren Hardy (in Las Vegas)
Senator Dina Titus (in Carson City)
Senator Valerie Wiener (in Las Vegas)
Assemblyman Bernie Anderson (in Carson City)
Assemblywoman Barbara E. Buckley (in Carson City)
Assemblyman John C. Carpenter (in Carson City)
Assemblyman Pete Goicoechea (in Carson City)
Assemblyman Garn Mabey (in Las Vegas)
Assemblyman John Oceguera (in Las Vegas)

OTHER LEGISLATORS PRESENT:

Senator Maurice Washington (in Carson City)
Senator Joyce Woodhouse (in Las Vegas)
Assemblyman James Settelmeyer (in Carson City)

LCB STAFF PRESENT IN CARSON CITY:

Lorne J. Malkiewich, Director
Brenda J. Erdoes, Legislative Counsel
Gary Ghiggeri, Senate Fiscal Analyst
Paul V. Townsend, Legislative Auditor
Donald O. Williams, Research Director
Marilyn K. White, Executive Assistant

The agenda is attached as Exhibit A. A packet containing materials for the meeting was provided to commission members and available to the public in attendance. Attendance records are attached as Exhibit B.

The meeting was called to order by Chair Townsend. Some items were taken out of agenda order but discussion is placed in agenda order for purposes of continuity.

Item I--Approval of Minutes of Meetings Held December 7, 2006; May 21, 2007; and May 31, 2007--Senator Randolph J. Townsend, Chair:

> ASSEMBLYMAN ANDERSON MOVED APPROVAL OF THE MINUTES OF DECEMBER 7, 2006; MAY 21, 2007; AND MAY 31, 2007. MOTION SECONDED BY SENATOR MCGINNESS AND CARRIED UNANIMOUSLY.

Item II--Legislative Auditor: Approval of contract with consultant to conduct a performance audit of each agency which provides child welfare services (A.B. 629, sec. 5)--Paul V. Townsend, Legislative Auditor.

Mr. Townsend said that this item is a request for approval of a contract with a consultant to conduct a performance audit of child welfare agencies in Nevada. He referred to material in the meeting packet which included a copy of the applicable legislation. Mr. Townsend also provided a handout (copy attached as Exhibit C) of a 10-page document with the word "Agreement" in the top center. He said that as required by the legislation, the audit will focus on reviewing files of open and closed cases concerning children who have been abused or neglected. The legislation lists under section 2 a number of specific items that a consultant will address. He explained the process followed in selecting the consultant which was begun with a search for entities capable and interested in performing the project. Discussions were held with child welfare professionals and nine individuals or entities were identified as being capable and interested. A letter was sent requesting information about the entities and five responses were received. Five requests for proposals were then sent out. In response to those, two proposals were received. The proposals were analyzed and the firm of Hornby Zeller Associates, Inc. was selected to conduct the audit. It is a national management consulting firm headquartered in New York with offices in five additional states and has 30 full-time staff spread across the offices. The firm has had contracts in more than 30 states including Nevada in the child welfare field. The project director for the audit will be Edward Cotton, who is an expert in child welfare and who participated with the national team which investigated child deaths in Nevada in 2006. He also was a previous administrator of the Nevada Division of Child and Family Services. Principals with the firm also have extensive multi-state experience with child welfare agencies and issues. The contract provides the firm of Hornby Zeller Associates, Inc. will conduct the audit for $174,980. The agreement before the members is undergoing a final review by the Legislative Counsel and he requested that the Legislative Commission approve the contract subject to any modifications the Legislative Counsel believes necessary.

Responding to the chair, Ms. Erdoes said that the document "looks good so far."

Ms. Buckley said that this is an item that is really important to ensure that the right person is selected for the job. She requested more information on the factors, how quality was determined and the process that was followed. Mr. Townsend reiterated that five requests for proposals were sent out and two proposals were received. The other proposal came from the Nevada Institute for Children's Research and Policy (NICRP) which is an affiliate of the University of Nevada, Las Vegas School of Public Health. In analyzing proposals, a number of factors were reviewed such as the responsiveness to the request for proposal, how well did they respond to the questions asked and qualifications. Qualifications was an area where Hornby Zeller Associates, Inc. scored higher than the NICRP as it had a number of individuals who had performed very similar audits in the past in other states that lined up very closely to the requirements that were listed in the legislation. Also reviewed was the technical preparation of the work plans and how the firms would go about their work. He said that both proposals were very good and the scoring was close. The cost was essentially identical in both proposals.

Ms. Buckley said that the NICRP had received a contract during the interim to review performance and shelters representing children, reviewed the care and conditions and set up an ombudsman program. She commented that she had received all those reports as did a number of interested legislators and the NICRP "did really a terrific job." She thought recent performance and knowledge of the state should be looked at as well as scoring on a grant application. She stated, "I was just really impressed with Nevada Institute for Children's work during that interim and I think Mr. Carpenter and Mr. Anderson received those reports and asked them questions and watched them get better and better through the process. I guess I'm a little partial to the 'home-grown folks' who have very recent experience and I just wondered, Paul, if you had any thoughts on that and what you've been able to see from their work." Mr. Townsend indicated staff was very impressed with the work they've done and he is familiar with that as well. A key part of Hornby Zeller Associates, Inc. was that Edward Cotton was an employee of theirs and he also did recent work in the blue ribbon panel regarding child fatalities that was done in 2006. He has a very good knowledge of the "Unity System" which is used by the Division of Child and Family Services and the ability to "draw down" data from that system. He noted that NICRP is also knowledgeable in that area. He commented that there is a local element in Mr. Cotton's involvement in the project and he thought that helped in additional scoring in that area for Hornby Zeller Associates, Inc.

Ms. Buckley inquired about options and if the commission is required to approve a contract this date. She wondered if things would be delayed too much if members gave the contract additional consideration. The chair indicated that he would defer to Mr. Malkiewich but he thought the commission could delay the contract and reconvene rather than wait until the next commission meeting. He thought Ms. Buckley's point was an excellent one. He said that he has seen a number of contracts, however not in this area, but from out-of-state organizations who, the bigger they get, have a template that they just apply that is not necessarily the focus that members would like to have on

a particular issue. He said he would support the delay depending on what the legal options are or if the commission is mandated to either accept or reject it and then go back to a different process.

Mr. Malkiewich called attention to the material in the meeting packet noting that although in subsection 1 it directs the Legislative Auditor to enter into the contract, subsection 8 says that the contract does not become effective unless approved by the Legislative Commission. If the commission does not want to approve it, then it would not go forward. Subsection 7 says not later than October 1, 2007, the Legislative Auditor shall enter into the contract. That is one of the reasons it is on this meeting agenda with the qualification that it would be subject to any minor revisions that the Legislative Counsel approved so that it would be approved by October 1. He was unsure what sanction there would be for not getting it approved by that date. He additionally noted that subsection 6 says that the consultant has to prepare and submit a report to the Director not later than October 1, 2008. If the commission is a little later in awarding the contract, then perhaps it would be a little later in granting it. He deferred to the Legislative Counsel.

Ms. Erdoes said that Mr. Malkiewich has given the basic information. If the contract is not approved before October 1, the Legislative Auditor cannot enter into the contract and meet that statutory deadline. She said, "Is there anything that happens if he doesn't? No, except for that he's in the position of looking at all the other agencies and writing them up for not meeting the statutory requirements and then we are putting him in that position. That's all I can offer."

The chair stated that it would be important to understand that this would not be Mr. Townsend's decision to make, it would be the commission's and it would not hold him to that standard. The chair believed it would be appropriate, in not accepting the contract, that whatever date the commission does accept a contract to give the entity the full 12 months because that is what the statute says. It is an extremely important piece of legislation and the contract is dealing with a very sensitive, important area. He did not have a problem not accepting a motion approving the contract and delaying action. He thought that Ms. Buckley, Mr. Anderson and Mr. Carpenter who dealt in this area and have seen some of the reports could discuss the matter with staff to see if there are other alternatives.

Senator McGinness said that he would hope that the entire commission could be copied with a summary. He noted that he is comfortable with the recommendation of staff but if there is additional consideration, he would like to see some background information so each member can make those determinations.

The chair asked Mr. Townsend to copy all the members of the commission with the bids that were provided.

Item III--Progress Reports:

A. Litigation currently in progress--Brenda J. Erdoes, Legislative Counsel.

Ms. Erdoes said that there are two cases where her office is just waiting on things and they are the O'Connor case in which Senator McGinness is the defendant and they have still not heard from the U. S. Supreme Court and they may not. She said "cert" was denied and he has a chance to appeal that case. The second case is Gypsum Resources, the Red Rock case, that was based on Senate Bill 358 from the 2003 Session. That case was "stayed" pending the federal court case which is on the same facts. As far as she can tell, there has not been much progress on that case and nothing will happen there until the federal case is decided. There is also one Equal Employment Opportunity
Commission (EEOC) case. The chair inquired about the premise of the EEOC case and Ms. Erdoes responded that it was sex discrimination.

Item IV--Legislative Commission Policy:

A. Review of administrative regulations--Brenda J. Erdoes, Legislative Counsel.

Ms. Erdoes said that there are six regulations before the commission today under NRS 233B.067. There are no regulations under NRS 233B.0681 as the only one under that item has been withdrawn.

1. Regulations submitted pursuant to NRS 233B.067.

The regulations under this item consist of one from the Board of Wildlife Commissioners, one from the State Board of Education, one from the Nevada Interscholastic Activities Association, one from the Real Estate Division of the Department of Business and Industry and two from the Aging Services Division of the Department of Health and Human Services. Her office feels all are within the statutory authority under which they were adopted. There are people in the audience in case the members have questions.

Mr. Anderson said he has some concern with R015-06 from the State Board of Education. The chair said that he would hold that regulation for further discussion.

Mr. Carpenter said he has questions on R107-05 from the Board of Wildlife Commissioners and R105-06 from the Nevada Interscholastic Activities Association.

Mr. Goicoechea said he also has some questions on R107-05 and R105-06

ASSEMBLYMAN ANDERSON MOVED APPROVAL OF REGULATIONS R144-06, R163-06 AND R167-06. MOTION SECONDED BY SENATOR MCGINNESS AND CARRIED UNANIMOUSLY.

Mr. Carpenter recalled that at previous meetings the name of a contact person within the agency submitting the regulation was provided in order that members could contact them if they had any questions. He noted that was not provided for this meeting. He thought the names were very helpful and asked that they be included in the future.

On Regulation R107-05, Steve Albert, a game warden with the Nevada Department of Wildlife said he was present in Carson City to answer any questions on the regulation. Mr. Carpenter said that he had two questions. When the Wildlife Commission sets the number of lions it believes could or should be taken, what happens if the amount is not reached? Can people apply for more than two tags or is it strictly limited to two? Mr. Albert said that the public is limited to obtaining two tags and the taking of two lions whether the harvest objective is reached or not.

Mr. Carpenter said the other question relates to bobcats where it says someone can cross the state line and then come back in Nevada for two hours. He inquired how the department was going to keep track of that, how the two hour amount of time was reached and why it was necessary. Mr. Albert replied that the department worked extensively with a group of individuals from the Nevada Trappers Association who had proposed a regulation because originally someone could not take their unsealed cats out of the State of Nevada. Trappers would be working their trap lines on the border with adjacent states and sometimes they could only get into certain areas where their traps were by going into the adjacent state and coming back. The original regulation provided that trappers could not remove their unsealed, raw cats from the state. The department was trying to accommodate the trappers so they could when they were checking their trap line. It was a time frame that was arrived at through mutual agreement. The department did not want to give too much time because there are not that many areas where they have to go outside the state and come back that would take longer than that time. The department does not want its cats going out of the state for any great length of time and potentially being "laundered" elsewhere.

Mr. Goicoechea said that he continues to be concerned about the fact that the department does not allow for the incidental take of a lion through a leg-hold trap. When a lion is unintentionally caught in a leg-hold trap in a trapping season, as it stands today, the person has 48 hours to contact a representative from the Department of Wildlife. He asked if someone was supposed to leave the animal in the trap. He said, "Realistically, we know what's happening. Most of these guys are popping them and rolling them in the wash." He said he would prefer to see that if someone had a valid trapping license and had a lion tag, they would have the ability to take that animal when it was unintentionally caught in a trap. Mr. Albert responded that there are individuals that have approached the director of the department on the issue and the issue has come up many years ago to legalize the use of traps and the taking of mountain lions and it never made it anywhere with the Wildlife Commission at that time. It is his understanding that the issue is coming up again. Currently, there are trappers that call the department and a warden or biologist is sent out and the cat will be released if the

trapper is unable to do it himself.
Mr. Goicoechea said that in reviewing the regulation, he realizes that a lion is not technically a fur-bearing animal but it is nine demerit points if someone catches one out of season. He is also concerned about the number of demerits. In some cases, there will be traps set on private or public lands to deter some type of predation either from a cat out of season, some type of cat, and he is concerned that in the rural areas someone could get nine demerit points if they catch a bobcat out of season that is eating their chickens. Mr. Albert said that the department is looking at people that are intentionally violating the law and then they charge them with a crime. Once they are convicted, the demerits are assessed. The department typically does not charge people for accidental captures and if people are having a problem with wildlife, it depends on the nature of the depredation problem but they can simply apply for a depredation permit. The permit is free and it can authorize them to take the offending animal. They can also contact wildlife services and it goes out and takes care of the offending animal. They do not just go out and arbitrarily issue citations to people because they accidentally catch an animal. If an animal is killing their chickens or something and they see it and kill it, the department will go out and investigate it and 99 times out of 100 nothing is going to happen because they are simply protecting their property. Mr. Goicoechea said that he would hope that the department and agencies do move forward. He knows wildlife services have good intentions but he is still seeing a lot of property loss in the rural areas and he hopes they would be able to deal with the incidental take of any large predator in their efforts.

Senator Titus said she has a different concern recalling Mr. Goicoechea's comment about "popping them and rolling them in the wash" and observed that if that is known to be occurring, something should be done about it. She said that it is her opinion that leg traps should be done away with altogether and increase the demerits but that is not likely to happen. On another matter, she wondered what was happening with the "poaching law" that was passed a session or two ago. She asked if the department is enforcing that law, if it has had any luck with it and if it has made it easier. Mr. Albert responded that the department does use the law and has had up to one-half dozen convictions or prosecutions a year. Many times they are pled down to a lesser charge but it does utilize the law. For example, a mountain lion is a class size of a big game animal, just like an elk or mule deer antelope, even though it is a predator. If the department encounters a situation where somebody intentionally kills one unlawfully, they would potentially charge that person with a felony.

SENATOR MCGINNESS MOVED APPROVAL OF REGULATION R107-05. MOTION SECONDED BY ASSEMBLYMAN ANDERSON AND CARRIED UNANIMOUSLY.

Chair Townsend directed attention to Regulation R015-06 from the Nevada State Board of Education.

Mr. Anderson stated that he was concerned about the issue relative to home schooling and noted that on page three of the regulation in subsection 7 where the new language

has been added, specifically h. "any other national or regional accredited association recognized by the Board of Trustees of the school district." He said that after listing a. through f., which are the known participants with which most are familiar and adding in permission on international and trans-regional accreditation that would probably take care of all those "floating schools" out there. He asked does this mean that if they have already approved an accredited program or is it on a case-by-case basis and how does that happen.

Keith W. Rheault, Ph.D., Superintendent of Public Instruction, Department of Education, appeared before the members in Carson City. He explained that this issue came about because the regulations were re-done because there were some inconsistencies in the school districts as to which courses they were accepting from homeschoolers when they opted back into the public schools. The paragraphs a. through g. probably cover 95 percent of the legitimate courses but there are probably 100 accrediting associations and a lot of them are "fly-by-night" just to show some accreditation. When the testimony was received, it really was put in for school districts. There are other legitimate accrediting agencies and the department did not want to "tie the hands" of a homeschooler showing up having completed a course and coming back into the schools from out of state. They gave that as an option a local board could consider if they looked into the accrediting association and said it had some merit as far as the course work they have approved. It was an attempt to cover for school districts if a homeschooler arrived and had a program completed from something different than a. through g. They did not want to say that those were the only eight good accrediting agencies for course work.

Mr. Anderson said that is where his problem lies. If someone is going to home school, they want the assurance that the program is going to be accepted in the event the child is going to be out for two or three years or a longer period. They want some sort of a standard assurance that if they chose to place the child back into a public or private school that there is some sort of reality that the money is not being misspent. He said the wording tells him that if one would go to the school board and say, "I thought it was an accredited program" then it is going to end up being an accredited program. He did not see where the school district is going to be helped. He would have some reassurance if he knew that the school districts had a list of programs they had already approved ahead of time rather than on a case-by-case basis. Dr. Rheault responded that the department works closely with the home school associations and on their website and the information they distribute to parents who inquire, they do say they recommend those a. through g. accreditations. But if they want to participate in one that is not on the list, they recommend to the parent that they approach the district they are in to see if they are interested before they pay out the money to have their child complete the program. They would get some prior knowledge from the district if that were the case.

Mr. Anderson stated, "I don't see h. as doing that." Dr. Rheault mentioned that it says the boards of trustees may consider recognition for additional but it would have to be brought to their attention by a home school parent. He said that they do run into

situations where homeschoolers move in from out of state that may have had some other accreditation program from the southern or eastern parts of the United States with which the department is not familiar and there is nothing a school district could do if they did not have some option to consider a different accrediting association other than the eight listed. Mr. Anderson said that he has no problem with a. through g. and it is paragraph h. that is his concern.

SENATOR MCGINNESS MOVED ACCEPTANCE OF REGULATION R015-06. MOTION SECONDED BY ASSEMBLYMAN GOICOECHEA AND CARRIED WITH ASSEMBLYMAN ANDERSON VOTING NAY.

Chair Townsend directed attention to Regulation R105-06 from the Nevada Interscholastic Activities Association (NIAA).

Mr. Carpenter asked about page two, section 3 and commented it appears that the change is that the board controls the "whole situation." He thought that formerly the schools could select some committee members and now it looks like it will be up to the board, membership will not be from the schools and will now only be from the classification people. He wondered if it removes the ability of the schools to have input and he requested an explanation of what is trying to be done with the classification and alignment of schools.

Eddie Bonine, Executive Director of the NIAA appeared in Carson City and introduced Paul Anderson, Counsel for the NIAA. Mr. Bonine explained that there are liaisons assigned to the board that are nonvoting members that survey the member schools prior to the realignment process. They bring the survey results to the nine member board for consideration prior to making the decision for realignment.

Chair Townsend referred to section 3 and asked about the movement of the date up almost eight months with regard to appointing a committee. In moving that, it means the four years gets moved. He asked about the need to do that. Mr. Bonine explained that once the recommendation was made for realignment, it gives the schools a year to establish schedules and return to their respective school districts, trustees and superintendents to discuss the matter. It allows that year process or if there is a realignment and there is any appeal to the realignment that is the process that has been made. It also gives the NIAA time to agendize the item and have an opportunity to take action on any recommendation or appeal. Once that decision is made, it gives them a year or ample time to prepare the schedules for the most recent realignment that will become effective in August 2008. There would be the remainder of the current year and next semester to have those schools prepare their schedules for the next four years.

Mr. Carpenter noted the change in language goes from "a representative from each school or selected by the school" to "a representative from the classification of the schools or selected by the board" and it looks to him like the schools are not going to have much say in regard to the members who are on the committee. Mr. Bonine

explained that the representatives that sit on the board as liaisons are chosen by the member schools to represent that league and those individual schools in that league. They make that person the "president" of that league and it rotates north to south on an every two year rotation. Some leagues rotate the position every year. The individual who sits on the board as liaison, whether it be the 1A, 2A, 3A or 4A classifications representing north and south, is selected by the member schools to represent those schools. There are a couple of leagues that also have a 1A, 2A that have a representative not only in the south but the north but there is one that sits "at the table" representing all those member schools. The liaison is selected by the member schools to represent them during that tenure. Mr. Carpenter reiterated his concern that in reading the language it looks like the schools are not going to have any "say" in it anymore with the new policy. Mr. Bonine said that the communication that his office has with the member schools could be, without exaggeration, daily. He is going to be traveling the state, introducing himself as the new Executive Director and meeting with the trustees and those individuals. He has regular contact with the respective member school superintendents as they are the board of directors and he has communication with them as well. He stated, "Anybody can contact my office at any time and I will have a conversation with them as well as staff if they have any questions at all. We do operate and pride ourselves with open door theory and with the communication of electronic mail now we are able to communicate with a majority of our member schools if anyone has any questions and can approach the board or myself at any time."

Mr. Anderson observed that the regulation is a reflection of the fact that the NIAA has many more member schools and classifications and reflects how the system operates currently and the need for that interaction and to give an actual duty when there is going to be a realignment so that all the member schools know that there is going to be a realignment of their particular group. He asked if that was the purpose of the regulation. Mr. Bonine responded, "Yes, sir, absolutely." They now have 104 member schools and it is for communication purposes and that is why so much time is allowed to have the opportunity to work their way through all the member schools as well as the number of private schools in the association.

Mr. Goicoechea asked what was the previous time frame when a school could petition to change classifications. He said it looked to him like once a classification is set, it is that way for four years and asked if that was correct. Mr. Bonine said that the realignment has always been every four years. If a school is aligned in a particular league by the numbers and if their numbers drop below that in the course of realignment, it is reviewed and within two years it could be moved to another classification. It works the same if the numbers increase due to an influx of students, a school could be moved forward and put into another league in two years.

Additionally, Mr. Goicoechea referred to section 11 on page 19 where it says if a student is here on an F1 visa and is in the 12th grade, he is ineligible to participate. He requested clarification noting that there are a number of exchange students in the rural communities and he assumes a lot of them are seniors and the only program available to

them would be the varsity program. They would be unable to participate in a small community such as Gerlach, Eureka or Austin just because they happen to be a senior. Mr. Anderson said that the distinction in this particular regulation is between a formal student that is on an approved exchange program which is a different situation than a student that is an actual foreign student. The portion of the regulation Mr. Goicoechea was looking at deals with the F1 student, which is a foreign student in the United States that is not there on a formal foreign exchange program. The situation has become a problem throughout the United States with respect to most of the state high school programs where colleges are bringing students in, planting them in schools and having them matriculate through the recruiting process to the school that has brought them in. There was significant litigation regarding an F1 student a couple of years ago in Las Vegas. A J1 student that is on a formal exchange program is always eligible because they are there for one school year and in an approved program that actually places them in the school they are in. The NIAA does not have a concern with that student. The F1 student is more of the elite-type athlete about which the NIAA is concerned. They want to prevent the recruiting process and they believe the change addresses that problem.

Mr. Carpenter referred to page 20, section 12 b. and said he had a question about the portion that says on Sunday they cannot engage in any activity relating to the sanctioned sport with any pupil team or coach of a school. He asked if that means if a quarterback wants to play catch with his younger brother on Sunday they cannot do that. Mr. Anderson responded, "No, that just means that there cannot be a formal practice called by a coach, or film session, or something that's organized by the school or the team. The association has always recognized the fact that students do need at least one day off. We have one exception that isn't a part of any of the change here and that's for skiing which is only a sport here in the north and the reason we have that exception is we don't have sufficient space at the ski resorts that accommodate our student athletes to have all the teams up on one particular day which would be Saturday, so that is split between Saturday and Sunday to accommodate those schools. Otherwise, it is the position of the association and the board that the Sunday day off is something that's necessary as a day of rest for the students but it doesn't prevent a student from going out and playing catch with his buddy or his brother or anything else."

Further, Mr. Carpenter asked about where it says "any activity relating to the sanctioned sport" would that not cover the situation that he is talking about. It seemed to him the words "any activity" takes in a lot of territory. Mr. Anderson replied, "The intent of the regulation has always been with respect to the team concept of the sport. We don't want coaches calling practices on Sundays and that's really what this addresses." Mr. Carpenter said, "Well, I think if that's what it was supposed to address, then that's what the language should be but I don't think it says that. You're the lawyer, not me, but it seems to me 'engage in any activity relating to the sanctioned sport' that covers a lot of territory out there."

Ms. Buckley said that "by some wild stretch of the imagination someone might be able to construe that language that way perhaps we can just include in the legislative intent should we choose to adopt it, that it does not preclude that and if anybody tries to keep two kids from throwing a ball on a Sunday we'll apply cowboy punishment."

Mr. Anderson said that he could envision that a coach might have a select group of people come over and look at videotapes from a football or basketball game and after a Saturday game and the following day, or there may be a need for an athlete to have a Jacuzzi or some sort of treatment or workout because of an injury that may have been sustained the previous day. He asked if that would preclude those kinds of smaller situations from taking place. He observed that the coaching staff would get together regardless. Mr. Anderson of the NIAA responded that the regulation is designed to prevent a seventh day of competition or practice with respect to the students. It does not prevent coaches from getting together, that happens and the NIAA recognizes that. From the standpoint of treating injuries, that is something a student would do on their own anyway so it would not necessarily be a part of their sport or the NIAA certainly would not interpret it that way.

Chair Townsend said that he thought Mr. Carpenter's point was well made and Ms. Buckley had given some good direction with regard to the intent. He opined that the regulation is probably violated every single day, based on the way that it is written, by members of high school golf teams. He said that two members of the golf team go out on a Sunday and play because they can and this regulation prohibits that. He said, "You just have to remember, we understand most of what you're trying to accomplish but you also have to also be realistic of what goes on. Urban communities are much different than our rural communities in terms of their ability but in urban centers, you look at your swim teams, and if two kids from the same swim team happen to be in the pool on a Sunday, that's a violation of this particular regulation. It might not be an intent to violate it but if one guy is over there working on backstroke and another one is working on diving and didn't know the other was there, that's a violation of what this says. I think the intent, the Speaker makes a good point, as long as you understand that we understand what you're doing but we also want to accommodate these kids and allow them to still be kids, that would be helpful. I guess a vigorous pursuit of this to the letter of the law, I don't know whether you have that many people that could do that. You might want to be a little more realistic in how you approach this, I guess, is the best way to do it."

Mr. Bonine replied that in this regulation the NIAA just wants to make sure that the coaches are not mandating that the students do that on Sunday. He remarked that we are all parents and have students of our own and we want to be able to do exactly what you are referencing.

Mr. Anderson of the NIAA said that he has been representing the association for the last

10 years and he does not recall a complaint or a case arising from this particular rule.

ASSEMBLYMAN ANDERSON MOVED APPROVAL OF REGULATION R105-06. MOTION SECONDED BY SENATOR MCGINNESS AND CARRIED WITH ASSEMBLYMAN CARPENTER VOTING NAY.

2. Regulations submitted pursuant to NRS 233B.0681.

Regulation R084-07 from the Nevada Tax Commission under this item was withdrawn.

B. Amendment to Rule No. 12 of the Rules and Policies of the Legislative Counsel Bureau--Lorne J. Malkiewich, Director

Mr. Malkiewich provided a handout of the amendment to Rule No. 12 (copy attached as Exhibit D) which replaces the material contained in the meeting packet for this agenda item. The amendment is being made pursuant to Senate Bill 210 of the 2007 Legislative Session which changed reimbursement for state employees to say the Board of Examiners will establish a rate that is the same as the comparable one for employees of the Federal Government but not subject to those limitations. The language has been incorporated into Rule No. 12. He explained that in-state, one would get no more than the maximum amount allowed which is now up to $100 or $110 in Las Vegas. There has been a real problem with employees going to Las Vegas and not being able to get rooms for less than the per diem, at least not something they would want to stay in. The rates would be set for Las Vegas, Carson City or Reno. One would need to submit a travel claim and would receive the lesser of the applicable room rate plus tax or the Federal rate. The change between what is in the packet and the handout is the last sentence of subsection 1 under in-state which is from the Executive Branch rule which he did not understand. The last clause, "unless the claimant requests the standard (non-surveyed) Continental United States federal per diem rate, or less" where you would not need a receipt if you are just requesting the base rate, not the $100 or $110, but rather just the standard rate throughout the United States where one has not been established. Out of state for meals and incidental expenses one would receive the amount set by the Federal Government. He left in the reasonable room rate for out-of-state travel. The Executive Branch policy is a little more complicated than this one but it is allowable to just pay actual expenses for out-of-state. As a general rule, the out-of-state travel is to conventions where the room rate is set.

ASSEMBLYWOMAN BUCKLEY MOVED APPROVAL OF THE AMENDMENT TO RULE NO. 12. MOTION SECONDED BY ASSEMBLYMAN CARPENTER AND CARRIED UNANIMOUSLY.

C. Resolution recognizing 96th Anniversary of the Founding of the Republic of China--Lorne J. Malkiewich, Director.

Mr. Malkiewich referred to material in the meeting packet which contained a draft

resolution recognizing the 96th Anniversary. The Legislative Commission has been

approving resolutions both recognizing Double Tenth Day and the ongoing Sister State relationship with Taiwan. The draft is the standard resolution that is adopted.

ASSEMBLYMAN ANDERSON MOVED APPROVAL OF THE RESOLUTION. MOTION SECONDED BY ASSEMBLYMAN GOICOECHEA AND CARRIED UNANIMOUSLY.

D. Approval of Renovation of Peace Officers' Memorial and addition of Flagpole--Lorne J. Malkiewich, Director.

Mr. Malkiewich called attention to material in the meeting packet for this agenda item. The material was submitted by Frank Adams the historian for the Peace Officers' Memorial. Proposed are three improvements to the memorial. The first improvement would be the addition of a flagpole next to the memorial. Also proposed is a walkway around the memorial, a bronze cap and corner protectors. The additions will all be paid for through donations but since the memorial is on legislative grounds, they would like approval of the commission on the changes before they move forward.

SENATOR MCGINNESS MOVED APPROVAL OF THE PROPOSED IMPROVEMENTS. MOTION SECONDED BY ASSEMBLYMAN CARPENTER AND CARRIED UNANIMOUSLY.

Item V--Appointments of Members to Committees and Approval of Budgets:

A. Appointments to various Ongoing Statutory Committees:

1. Commission on Special License Plates (NRS 482.367004)

Mr. Malkiewich explained that the statute provides that the former chairs of the Senate and Assembly Transportation Committees are members unless they designate someone in their place, so Senator Dennis Nolan and Assemblyman Kelvin Atkinson are members. The commission designates five legislative members and those are two of them, so the commission needs to designate three others. Last interim the commission did select a chair and vice chair.

Chair Townsend reiterated that Senator Nolan and Assemblyman Atkinson are automatically members and the remaining current membership is Senator Carlton and Assemblymen Christensen and Oceguera.

Ms. Buckley said that she believes she has all of Mr. Mabey's recommendations. She recommended Assemblymen Mark Manendo and Chad Christensen as members from the Assembly.

Senator Titus recommended that Senator Maggie Carlton be reappointed as she is a current

member and would like to remain on the committee.
Chair Townsend said that in discussions with leadership he thinks there has been an effort for those who currently serve on committees and wish to remain to try to accommodate that and is a point well taken.

ASSEMBLYWOMAN BUCKLEY MOVED TO APPOINT SENATORS NOLAN AND CARLTON AND ASSEMBLYMEN ATKINSON, CHRISTENSEN AND MANENDO. MOTION SECONDED BY ASSEMBLYMAN CARPENTER AND CARRIED UNANIMOUSLY.

ASSEMBLYWOMAN BUCKLEY MOVED TO APPOINT ASSEMBLYMAN ATKINSON AND CHAIR AND SENATOR NOLAN AS VICE CHAIR. MOTION SECONDED BY ASSEMBLYMAN CARPENTER AND CARRIED UNANIMOUSLY.

2. Committee to Consult with the Director (NRS 218.6828)

Mr. Malkiewich said that the statute requires the Legislative Commission to appoint a Committee to Consult with the Director of the Legislative Counsel Bureau (LCB) concerning preparation for the next legislative session and management and organization of the LCB. Although there is no set size or composition of the committee, historically leadership from all four caucuses is included so each caucus gets input into the preparations for the session. The commission needs to appoint members and a chair.

Ms. Buckley recommended the following Assembly members for appointment: Herself, Assemblymen Oceguera, Anderson, and Conklin and Assemblywomen Allen and Gansert. She said that the chair of the committee usually goes in concert with the chair of the commission and would rotate to the Senate, probably Senator Townsend.

Senator Titus said that she currently is a member and would like to remain. She suggested that as Senator Lee is busy, he be replaced by Senator Woodhouse.

Senator Townsend recommended that Senators Raggio and Hardy remain on the committee as well as himself.

ASSEMBLYWOMAN BUCKLEY MOVED TO APPOINT ASSEMBLYWOMEN BUCKLEY, ALLEN AND GANSERT AND ASSEMBLYMEN OCEGUERA, ANDERSON AND CONKLIN AND SENATORS TITUS, WOODHOUSE, RAGGIO, HARDY AND TOWNSEND WITH SENATOR TOWNSEND AS CHAIR. MOTION SECONDED BY SENATOR MCGINNESS AND CARRIED UNANIMOUSLY.

3. Legislative Commission's Subcommittee to Review Regulations (NRS 233B.067)

Mr. Malkiewich said that the commission should appoint three or more members of the Legislative Commission as required by statute.

Ms. Buckley recommended that the Assembly members consist of Assemblymen Oceguera

and Carpenter and herself.

Senator Titus said that she did not realize only members of the commission could be appointed and she wished to appoint Senator Carlton because she works on all the regulations during a legislative session and would be the perfect person to appoint. She asked if there are any exceptions. Mr. Malkiewich said that Senator Carlton is an alternate and he was unsure whether an alternate would qualify. Senator Titus asked the director to check on that because she did not think anyone would object since she does that during a regular session as a member of the Senate Commerce and Labor Committee. Chair Townsend commented that Senator Carlton is remarkably tolerant of the regulatory process since she chairs the subcommittee on licensing boards for the committee. The chair said that he does not have any objection if it could be interpreted to include alternates.

Ms. Erdoes said that if the commission decides that an alternate is a member then it could be done. She thinks that the intent was that it be the members, primarily because when the regulations are brought back the consistency was what was discussed when the provision came in. Ms. Erdoes thought that if the senator was appointed, she would still get paid and everything would go okay.

ASSEMBLYMAN ANDERSON MOVED TO APPOINT ASSEMBLYMEN OCEGUERA AND CARPENTER, ASSEMBLYWOMAN BUCKLEY AND SENATORS CARLTON, TOWNSEND AND HARDY WITH SENATOR HARDY AS CHAIR. MOTION SECONDED BY ASSEMBLYWOMAN BUCKLEY AND CARRIED UNANIMOUSLY.

4. Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System (NRS 218.53871)

Mr. Malkiewich explained that the commission appoints three members of each house with regard for their experience and knowledge of matters relating to the management of natural resources. The members elect a chair from one house and a vice chair from the other house.

Ms. Buckley said that all of the existing members are interested in reappointment. She recommended the Assembly members consist of Assemblymen Arberry and Grady and Assemblywoman Pierce.

Chair Townsend said that Senator Carlton is very interested as are Senators Amodei and Rhoads.

ASSEMBLYWOMAN BUCKLEY MOVED TO REAPPOINT THE CURRENT MEMBERS SENATORS AMODEI, CARLTON AND RHOADS, ASSEMBLYMEN ARBERRY
AND GRADY AND ASSEMBLYWOMAN PIERCE. MOTION SECONDED BY SENATOR CARE AND CARRIED UNANIMOUSLY.

5. Legislative Committee on Health Care (NRS 439B.200)

Mr. Malkiewich said that the commission appoints six members, three from each house and the commission selects a chair and vice chair. The chairmanship rotates between the houses

and is in the Assembly for the coming interim.

Ms. Buckley nominated Assemblywomen Leslie and Gerhardt and Assemblyman Hardy, with Assemblywoman Leslie as chair.

Chair Townsend recommended Senators Heck, Horsford and Washington with Senator Washington as vice chair.

> ASSEMBLYWOMAN BUCKLEY MOVED TO APPOINT ASSEMBLYWOMEN LESLIE AND GERHARDT, ASSEMBLYMAN HARDY AND SENATORS HECK, HORSFORD AND WASHINGTON AS MEMBERS WITH ASSEMBLYWOMAN LESLIE AS CHAIR AND SENATOR WASHINGTON AS VICE CHAIR. MOTION SECONDED BY SENATOR MCGINNESS AND CARRIED UNANIMOUSLY.

6. Legislative Committee on Public Lands (NRS 218.5363)

Mr. Malkiewich called attention to a handout (copy attached as Exhibit E) from Senator Dean A. Rhoads, the current chair of the committee, with his recommendations. He said that this is a committee that statute provides for three members of the Senate, three members of the Assembly and an elected officer representing a governing body of a local subdivision all appointed by the Legislative Commission. The members elect a chair and vice chair. Historically, as can be seen from the list of legislators interested, it has always been a very popular committee. As a result for the last several interims, the Legislative Commission has not only designated the three members from each house but has also designated alternates from each house.

Ms. Buckley commented that the committee should be expanded to four members from each house as there are always more people interested in serving than for whom there is room. She thought she made the same suggestion during the last interim. She asked the director to make a reminder note so that some of the rural members who have been trying for years would have an opportunity to serve on it. She nominated Assemblymen Claborn and Marvel, Assemblywoman Smith as members and Assemblymen Carpenter, Goicoechea and Bobzien and Assemblywoman Kirkpatrick as alternates.

Senator Titus recommended that Senator Care remain as a member and that Senator Schneider be named as his alternate.

Senator Townsend recommended Senators Rhoads and Amodei as members and Senators Hardy and McGinness as alternates. He recommended that Tom Fransway, Vice Chair of the Humboldt County Commission, continue as a member and noted that

Senator Rhoads recommended that Tom Collins, a Clark County Commissioner be the alternate for Commissioner Tom Fransway.

> ASSEMBLYWOMAN BUCKLEY MOVED TO APPOINT SENATORS RHOADS, AMODEI AND CARE; ASSEMBLYMEN CLABORN AND MARVEL; ASSEMBLYWOMAN SMITH; AND TOM FRANSWAY AS MEMBERS AND

SENATORS HARDY, MCGINNESS AND SCHNEIDER; ASSEMBLYMEN CARPENTER, GOICOECHEA AND BOBZIEN; ASSEMBLYWOMAN KIRKPATRICK; AND TOM COLLINS AS ALTERNATES. MOTION SECONDED BY SENATOR MCGINNESS AND CARRIED UNANIMOUSLY.

B. Appointments to Legislative Commission Subcommittees:

Mr. Malkiewich said that there is no statutory requirement for forming these two subcommittees but they are ones that have been formed in the past. It is discretionary whether the commission forms the subcommittees.

1. Information Technology Subcommittee

Mr. Malkiewich said that the Information Technology Subcommittee has been fairly active for as long as there has been information technology. The current members and those that are interested are listed in the meeting materials. The size and composition of the subcommittee is entirely determined by the commission.

Chair Townsend noted that the current members are Senators Rhoads and Coffin and Assemblymen Denis and Mortenson and Assemblywoman Allen. The chair said that Senator Coffin has been extremely interested in the subcommittee since its inception and is part of a pilot program with regard to computer technology. He also mentioned that Mr. Denis has an information technology background and knowledge of the issue. He said to have people with an interest as well as an expertise is always helpful.

Ms. Buckley said she agreed with the chair and would recommend that the Assembly members include Assemblymen Denis and Mortenson and Assemblywoman Allen. Ms. Buckley indicated the chairmanship would rotate to the Assembly this interim and Mr. Denis would be chair. Chair Townsend said he assumes Senator Coffin is interested and he has not heard from Senator Rhoads that he is not interested so he could be left on as vice chair. Chair Townsend indicated that Senator Beers would like to be on the subcommittee as well as Senator Hardy. In response to the chair, Senator Hardy said that he would defer to Senator Beers as he has a lot more expertise and would be more useful for the subcommittee.

ASSEMBLYWOMAN BUCKLEY MOVED TO APPOINT SENATORS BEERS, COFFIN AND RHOADS AND ASSEMBLYMEN DENIS AND MORTENSON AND ASSEMBLYWOMAN ALLEN. ASSEMBLYMAN DENIS WOULD SERVE AS CHAIR AND SENATOR RHOADS WOULD SERVE AS VICE CHAIR. MOTION SECONDED BY SENATOR MCGINNESS AND CARRIED UNANIMOUSLY.

2. Security Subcommittee

Mr. Malkiewich said the Security Subcommittee has met infrequently and he was not sure the commission would wish to reappoint it. It meets on occasion and had almost gone completely out of existence before September 11th and then it took a look at some issues again. The commission could appoint the subcommittee or just let the Committee to Consult with the Director or some other committee handle the issues.

Chair Townsend asked Mr. Oceguera, who is the current chair of the subcommittee, a member of leadership and a member of the Committee to Consult with the Director if he would recommend that the subcommittee stay in existence for the upcoming interim or refer matters to the other committee. Mr. Oceguera said that the issue seems to be in regard to the open meeting law and the threat assessment and vulnerabilities. He said those things should be discussed but he didn't know that all of that needs to be absolutely public information. Airing the vulnerabilities in a public meeting seems to be one of the few instances where the meeting could be closed. Therefore, the subcommittee did not meet for that reason. He thought the issues could go through the Committee to Consult with the Director or leadership. Chair Townsend stated, "Okay, let's leave it at that."

C. Appointments to Nonlegislative Committees:

1. Advisory Council on Mortgage Investments and Mortgage Lending (NRS 645B.860)

Mr. Malkiewich stated that the advisory council consists of five members appointed by the commission from a list of persons provided by the Commissioner. He referred to material in the meeting packet containing the list from the Commissioner. The statute does not require that they be licensed mortgagees and can be anyone who is involved in the business, profession or occupation relating to mortgage investments or mortgage lending. He noted that nine names are listed and the commission is to appoint five members from a list provided.

Responding to the chair, Mr. Malkiewich said that if more information is desired, the commission could hold the item and defer it to the next meeting as what has been provided is all the information he has.

Ms. Buckley questioned if the names are an entirely new slate and if the commission wanted to have any existing members in terms of continuity. Mr. Malkiewich said that the statute provides that the members of the council serve terms of two years and at the pleasure of the Legislative Commission. The terms of the current members are all expiring and need to be appointed and none of them are recommended for reappointment. If the members wish to hold the item, he could contact the newly appointed Commissioner, obtain additional information prior to the next meeting and find out if they want to recommend retention of any of the current members.

The chair said that he is familiar with only two people on the list and he keeps getting e-mailed other recommendations but he does not have enough background on any of the

individuals named. Mr. Malkiewich said he could contact the agency and obtain more information. The chair said that the agency should provide more information and it should be forwarded to all members.

2. National Conference of Commissioners on Uniform State Laws (NRS 219.020)

Mr. Malkiewich explained that the Legislative Commission appoints four attorneys who are members of the Legislature. The rules of the National Conference of Commissioners on Uniform State Laws require appointees be attorneys. The NRS requires that, if possible, they be appointed from the Legislature, which is a little different than some other states. He also noted that the appointments from the Boyd School of Law are for four-year terms so those members continue. The Legislative Counsel is an ex-officio member and may appoint one of her deputies if she wishes.

ASSEMBLYWOMAN BUCKLEY MOVED TO APPOINT SENATORS AMODEI AND CARE AND ASSEMBLYMEN HORNE AND SEGERBLOM. MOTION SECONDED BY ASSEMBLYMAN CARPENTER AND CARRIED UNANIMOUSLY.

3. Nevada AIDS Advisory Task Force

Mr. Malkiewich said that the Task Force is not a statutory committee and is created by the Health Division. The commission formerly nominated one member but last interim determined that one member from each house should be nominated.

ASSEMBLYWOMAN BUCKLEY MOVED TO RECOMMEND SENATOR WASHINGTON AND ASSEMBLYMAN ATKINSON TO SERVE ON THE AIDS ADVISORY TASK FORCE. MOTION SECONDED BY SENATOR TITUS AND CARRIED UNANIMOUSLY.

4. Nevada Commission on Aging (NRS 427A.032)

Mr. Malkiewich noted that one member of the Senate and one member of the Assembly are to be appointed by the commission.

ASSEMBLYWOMAN BUCKLEY MOVED TO REAPPOINT SENATOR WIENER AND ASSEMBLYWOMAN MCCLAIN. MOTION SECONDED BY SENATOR TITUS AND CARRIED UNANIMOUSLY.

5. Nevada Silver Haired Legislative Forum (NRS 427A.320)

Mr. Malkiewich said that Senator Joyce Woodhouse has nominated Joan Bongirno as a member from her district.

ASSEMBLYWOMAN BUCKLEY MOVED TO APPOINT JOAN BONGIRNO TO THE NEVADA SILVER HAIRED LEGISLATIVE FORUM. MOTION SECONDED BY SENATOR MCGINNESS AND CARRIED UNANIMOUSLY.

6. Western Interstate Commission for Higher Education (WICHE) Legislative Advisory Committee

Mr. Malkiewich said that one member is to be appointed to the Legislative Advisory Committee. In the past, the commission has appointed a member and an alternate, one from each house. Additionally, he said that appointments have rotated between the houses as a matter of policy and practice.

Senator Titus suggest the appointment of Senator Schneider as the alternate, as Senator Carlton will be very busy with the Subcommittee to Review Regulations.

> ASSEMBLYWOMAN BUCKLEY MOVED TO APPOINT ASSEMBLYMAN OHRENSCHALL AS THE MEMBER AND SENATOR SCHNEIDER AS THE ALTERNATE. MOTION SECONDED BY ASSEMBLYMAN CARPENTER AND CARRIED UNANIMOUSLY.

Later in the meeting, Senator Titus requested the above action be reconsidered due to appointments made to additional interim studies and the need to balance workload of legislators.

> SENATOR TITUS MOVED TO RECONSIDER THE PREVIOUS ACTION AND APPOINT SENATOR WIENER TO REPLACE SENATOR SCHNEIDER AS THE ALTERNATE ON THE WICHE LEGISLATIVE ADVISORY COMMITTEE. MOTION SECONDED BY ASSEMBLYMAN ANDERSON AND CARRIED UNANIMOUSLY.

7. Commission on Ethics (NRS 281.455)

Mr. Malkiewich said that the Legislative Commission appoints four of the eight members of the Commission on Ethics. Two of the members are at the end of their terms: George Keele and Caren Jenkins. Both are eligible for reappointment and both are interested in reappointment. Before soliciting other interested persons, he wanted to

first bring it to the commission and if the commission has no objection to the reappointments, they could simply be reappointed. There were no objections to the reappointments.

> SENATOR MCGINNESS MOVED TO REAPPOINT GEORGE KEELE AND CAREN JENKINS TO THE COMMISSION ON ETHICS. MOTION SECONDED BY ASSEMBLYWOMAN BUCKLEY AND CARRIED UNANIMOUSLY.

D. Appointments to Interim Studies:

Mr. Malkiewich said that the next three items provide for the appointment of three members from each house and appointment of the chair.

Responding to questions of the chair as to the origination of some interim studies, Ms. Buckley said that it is her recollection that at the end of the legislative session when legislators were trying to streamline and combine the committees what was done in the

interest of time was instead of having three Assembly Concurrent Resolutions and three Senate Concurrent Resolutions, the Assembly and Senate Requests were combined into one A.C.R. She thought the Senate request was for the chancery study and the senior citizens and veterans request came from Assemblywoman Kathy McClain. With regard to the foster care study, it came from a bill sponsored by Senator Steven Horsford and if he would accept it she would recommend he chair that study. Chair Townsend said he did not have a problem with that appointment.

Senator Titus commented that the fact that there are only three interim studies disturbs her and the way it was handled at the end of the session was not a good way to do policy. She said that she knows that there are more pressing problems in Nevada than consideration of a court of chancery and senior citizens and veterans is such a broad topic that she does not see how a study can really delve into it. Also, there are so many people wanting to serve on the committees. As the commission reviews these, it should look at a better way to do interim committees and have some that are more focused on specific problems. She knows staff has a lot to do but it is very important because it sets the agenda for the next session, it allows legislators to look more in depth with more time on some of the issues. She hopes it is something the commission could review for the next legislative session.

Chair Townsend said that the point made by Senator Titus is well taken and that two options were left for the commission. He and Ms. Buckley have discussed the potential for one of them. He said that the A.C.R.'s and S.C.R.'s are very specific and how does the commission accommodate that if it chose to select one additional topic and created a committee for that and left the other one open, is it possible to utilize those "slots" and the money for the more highly demanded topics or is it precluded from doing so.

Mr. Malkiewich noted that on the agenda is an item for the appointment of one or more additional interim study committees because he thought the idea was, with the approval of less than the full slate of six studies, that the commission may wish to appoint more. Under the budget item, two "blank" committees were included with six members, three from each house in case the commission wishes to appoint them. The commission could instead, appoint a committee of 8 or 10 or whatever amount on its own. The number of six was used as a starting point for discussion of the budget. The commission is free to appoint other committees. He deferred to Ms. Erdoes for additional comments.

Ms. Erdoes said that when a specific number is included in a resolution, it "pretty much binds you." She did not think anything would happen if the commission appointed more than that number. The chair asked what if the commission took the last one and also named it the same thing, added additional legislators and then have them meet at the same time. Ms. Erdoes replied, "You could certainly do that but you could also just have another committee that was larger under the open position."

Senator Titus asked what if the study was split and named one senior citizens and the other veterans and appointed six legislators and then appointed a subcommittee.

Ms. Buckley said her only concern about splitting the study is that the resolution already has it combined and she thinks Assemblywoman McClain has, for the past year, been working with

both the seniors and veterans. She said that she would "love the opportunity" later whether it is in the Committee to Consult with the Director or the Legislative Commission to explore Senator Titus' idea. The interim committee process got derailed and there was concern about people adding studies to bills and having some of those taking away time for more important matters. As a result, legislators did not proceed with all the A.C.R.'s and there was a suggestion made, maybe by Chair Townsend, that perhaps instead have a few subcommittees track the standing committees. She cited as an example, a Commerce Committee and if something comes up of major concern during the interim in that subject area, same with Judiciary and Natural Resources. There would also be the benefit of having members who are serving in the interim actually being on the standing committee the next time, instead of somebody asking "what is the background, why do we have that recommendation" and perhaps they could be more topical and relate to the importance of the issue in the state, as Senator Titus suggests, or some combination thereof. She said, "I do agree that we need a better system and we need to decide in advance what it is so we are not getting so many requests in so many different places." Chair Townsend said, "I would agree with everything you've said, particularly with regard to the Committee to Consult. I think that should be our priority to spend the time in the interim to refocus on what the interim process ought to be."

Mr. Malkiewich said he was going to suggest the same thing as the chair. He said that Mr. Williams and Pepper Sturm had an outline prepared that was reviewed at the end of session. It was too late in session to accomplish it but it was right along the lines of the discussion. He thinks the point made by Senator Titus was exactly what is the concern. After the committees are formed, then a look can be taken and determine the issues. The procedure reviewed by staff was that during session the issues could be referred to the interim committees for consideration and the committee could prioritize during the interim. It will be a major work of the Committee to Consult with the Director during this interim.

Chair Townsend requested that staff send all the materials that have been gathered to the Committee to Consult with the Director and then it will be made a priority at the first meeting.

1. Implementation of Courts of Chancery (A.C.R. 35)

Chair Townsend said that he believed this study was initially a proposal by Senator Bob Beers. He believed the composition of the study committee would be three Senators and three Assembly Members.

Ms. Buckley nominated Assemblymen Horne, Carpenter and Segerblom.

Senator Titus said that Senator Care has agreed to serve on the study.

Chair Townsend recommended Senator Beers as chair and Senator Cegavske.

SENATOR MCGINNESS MOVED TO APPOINT SENATORS BEERS, CARE AND CEGAVSKE AND ASSEMBLYMEN HORNE, CARPENTER AND SEGERBLOM WITH SENATOR BEERS SERVING AS CHAIR. MOTION SECONDED BY ASSEMBLYMAN ANDERSON AND CARRIED UNANIMOUSLY.

2. Issues relating to Senior Citizens and Veterans (A.C.R. 35)

Ms. Buckley nominated Assemblywoman Kathy McClain as chair and Assemblymen Joe Hogan and James Settelmeyer as members.

Senator Titus nominated Senator Woodhouse to serve as a member.

Chair Townsend nominated Senators Joe Heck and Warren Hardy as members.

> ASSEMBLYWOMAN BUCKLEY MOVED TO APPOINT ASSEMBLYWOMAN MCCLAIN AS CHAIR, AND ASSEMBLYMEN HOGAN AND SETTELMEYER AND SENATORS HARDY, HECK AND WOODHOUSE AS MEMBERS. MOTION SECONDED BY SENATOR MCGINNESS AND CARRIED UNANIMOUSLY.

3. Placement of Children in Foster Care (S.B. 356, sec. 4)

Chair Townsend recalled that this study was proposed by Senator Steven Horsford.

Ms. Buckley nominated Assemblyman Anderson and Assemblywomen Gerhardt and Weber as members.

Senator Titus nominated Senator Horsford to serve as the chair.

Chair Townsend nominated Senators Cegavske and Washington as members.

> SENATOR TITUS MOVED TO APPOINT SENATOR HORSFORD AS CHAIR AND SENATORS CEGAVSKE AND WASHINGTON AND ASSEMBLYMAN ANDERSON AND ASSEMBLYWOMEN GERHARDT AND WEBER AS MEMBERS. MOTION SECONDED BY ASSEMBLYMAN GOICOECHEA AND CARRIED UNANIMOUSLY.

The chair directed discussion to agenda Item V. F. prior to returning to agenda Item V. D. 4.

4. Appointment of one or more additional Interim Study Committees

The following discussion was taken out of agenda order but is included herein for purposes of continuity.

Vice Chair McGinness said that he would take public testimony from an individual who is proposing an interim study under this agenda item.

William P. “Bill” Freed, representing the Religious Alliance in Nevada (RAIN), appeared before the members in Carson City. He provided a handout (copy attached as Exhibit F) containing remarks concerning Senate Concurrent Resolution 42 of the 2007 Legislative Session. The resolution called for an interim study of taxation with an emphasis on but without limitation the equity distribution and adequacy of all existing taxes and the feasibility

and functionality of future revenue sources. He said his remarks were made during the committee hearing on May 22, 2007. He reviewed the 1990 Fiscal Agenda for Nevada Price Waterhouse Report which pointed out several flaws in Nevada's tax system, which still exist. He said RAIN is supporting a Nevada master tax plan which is assembled by a working group of citizens as shown on a list contained in his handout. One of the concerns he has heard expressed is that this will take a tremendous amount of staff time and effort. If there is a citizen working group working from an outline which can present to an interim committee, there should be a lot less time than that which would normally be spent by legislative staff. He hoped that would answer one of the major objections he has heard. He said that RAIN would urge the support of the commission to proceed and staff a study as proposed in S.C.R. 42.

Mr. Anderson said that he appreciates the work of RAIN relative to a proposed study. He said that he was under the impression that the standing committee on Taxation was being charged with dealing with some of the questions raised about property tax inequities and some of the concerns raised during the legislative session. He recalled that one of the bills he had about which RAIN was concerned was relative to church properties. He asked if the proposal is a separate study from the one the current Tax Committee will be reviewing. Mr. Freed responded, "Yes, this is a study of the entire spectrum of the tax system. This is a revision, I believe it's Title 12 of NRS, the taxation system and would be, essentially, the hope is that it would be a tax master plan very much like a land use master plan that would simply be incremented by budget increase or decrease and not subject to all the intense pressure that tax issues frequently have."

There were no further questions and Vice Chair McGinness thanked Mr. Freed for his testimony. The commission returned to agenda Item V. D. 1.

Later in the meeting the chair returned to this agenda item for more discussion on creating additional interim studies.

Chair Townsend recalled Mr. Freed's presentation regarding taxes and said that additional recommendations are being proposed about some topics that could be of interest to the commission which could be put into the interim studies.

Ms. Buckley said one of the topics discussed is the state of the real estate market, Nevada being ranked number one in foreclosures, the collapse of the subprime industry and perhaps broadly examining this topic. She said that Chair Townsend pointed out during a break in the meeting that Nevada may be able to review what other states are doing. She said, "At the same time, we want to make sure that we're not promising that we'll save everybody's home because lots of times there is little you can do about some folks being 'upside down' on their loans. Just with Nevada's position in general and the changing market conditions, it may be worthwhile examining if there is anything we can do in the future to ensure that these problems don't hit us as hard."

The chair asked Mr. Malkiewich, should the commission accept the concept, how is the study defined, are the parameters written after the members are appointed or does the commission allow the members to draw up the parameters. He was unsure if the proposal was introduced

in legislation. Mr. Malkiewich responded, “The Legislative Commission under chapter 218 of NRS has the authority to create study committees at any time. Knowing that authority was in existence, that is one of the reasons at the end of session we said we’ll just put these two into A.C.R. 35 as [S.B.] 356 has already been approved and take a look at perhaps just allowing the commission to create a subcommittee.” He said with regard to the scope and substance, it could be done either way. He thought the commission would at least give some direction to the study committee. Everything that is said from this point forward and the comments of Ms. Buckley would be direction to the committee. He suggested any direction the commission would want to give the committee should just be put on the record.

The chair suggested getting the topics brought forward and then the commission could define them and make the appointments appropriately.

Senator Titus said one of the things talked about during the last session and which has continued to be in the news since the session adjourned and will also be important for the next legislative session is transportation: funding transportation, planning transportation and alternative modes of transportation. She suggested that topic be the second subject to be studied.

Chair Townsend said the third topic is the one presented by Mr. Freed with regard to taxation. He said that he and Mr. Freed have had lengthy discussions on the matter and he is probably as articulate on the subject as anyone he has come across. He thought the proposal is so big and so overwhelming that his recommendation would be that the two chairs of the standing taxation committees, himself and leadership work with Mr. Freed to have the private sector, along with some government representatives, start meeting in the interim, get “their arms around it” and bring some parameters to the next legislative session. He knows there are a number of people interested in doing that and he would be glad to volunteer his time and legislative conference rooms to allow people to meet and start “getting their arms around it” as it is a pretty large topic. The chair would be willing to lend whatever time and energy he has to working with the four leaders to see that is given enough gravitas so that the people who volunteer to do it privately know that legislators are paying attention and are interested in what they are working on. Chair Townsend said that would be his recommendation and then he would support the two recommendations regarding mortgages, subprime market availability of capital and what is going on in the mortgage lending area regarding construction. He said if the commission desires and the maker of the recommendation allows that the study could include discussion of construction of large projects and resulting staffing and how the whole financial picture affecting the mortgage industry will affect the potential for workforce housing. He does not want to deviate from the original recommendation but he thought it should be something the committee should be mindful of because it will be a large issue facing future legislatures.

The chair thought the mortgage issue study could be chaired by the Assembly side and the transportation issue study could be chaired by the Senate side and the studies could consist of three members from each house.

Mr. Malkiewich suggested the commission make a motion to create the committee and as guidance to the committee, notes could be provided and any input the members wished to

give. The chair said he would take a motion to create the committees and appoint the members.

Ms. Buckley said that for the mortgage lending study she nominates Assemblymen Conklin and Grady and Assemblywoman Kirkpatrick with Assemblyman Conklin being the chair.

Senator Titus recommended Senator Schneider to serve as he has a great deal of experience in development, construction, real estate and mortgages.

Chair Townsend recommended Senators Hardy and Beers because of their backgrounds.

Mr. Anderson said that he was intrigued by the chair's reference to affordable housing and while he feels that the mortgage and prime lending rates need to be investigated, he is hopeful that some of those elements would be reflected in the recommendations.

> ASSEMBLYWOMAN BUCKLEY MOVED TO CREATE A STUDY COMMITTEE ON MORTGAGE LENDING AND HOUSING AND TO APPOINT ASSEMBLYMEN CONKLIN AND GRADY; ASSEMBLYWOMAN KIRKPATRICK; SENATORS BEERS, HARDY AND SCHNEIDER, WITH ASSEMBLYMAN CONKLIN AS CHAIR. MOTION SECONDED BY ASSEMBLYMAN GOICOECHEA AND CARRIED UNANIMOUSLY.

Senator Titus proposed the creation of an interim study committee on Transportation and that the committee be directed to look at all aspects of transportation such as how to tie transportation to land use planning and air quality for smart growth, to look at funding and construction of highways in the northern and southern parts of the state, the needs of older roads in rural Nevada and possible alternatives to cars and trucks on highways. It should be a broad ranged study.

Senator Wiener requested that the study include the concept of healthy communities with walking and biking routes. She said that it does lend to the environmental issues. Senator Titus agreed it could be included.

Senator Titus nominated Senators Nolan, Townsend and herself to serve on the committee.

Ms. Buckley nominated Assemblymen Atkinson and Oceguera and deferred to Mr. Mabey for his nominee.

Mr. Mabey nominated Assemblyman Goicoechea.

> SENATOR TITUS MOVED TO CREATE AN INTERIM STUDY COMMITTEE ON TRANSPORTATION ISSUES WITH A VAST ARRAY OF OPTIONS INCLUDING THE IMPACT ON THE ENVIRONMENT. MEMBERSHIP TO INCLUDE SENATOR NOLAN AS CHAIR, SENATORS TITUS AND TOWNSEND AND ASSEMBLYMEN ATKINSON, OCEGUERA AND GOICOECHEA. MOTION SECONDED BY ASSEMBLYMAN CARPENTER AND CARRIED UNANIMOUSLY.

Senator McGinness said that he wished to comment on Mr. Freed's tax proposal. He thought

Chair Townsend's idea was a good one. He also thought the proposal of a "ground up" study of the tax system is a good idea because there is a patchwork of tax issues. Not only are there numbers and rates but there is politics involved and it would take forever to do that. He thinks the chair's idea would be a good start and he congratulated Mr. Freed for his tenacity. Chair Townsend said he could meet with
Mr. Freed and work with him on the best way to set it up.
Ms. Buckley said that there is one other staff study request that she did not receive in writing in time for the meeting. She wished to broach the subject as it came up several times during the legislative session. She said that it was a staff study on tax abatements and deferrals. She thought there was a sense that separately all the ideas are wonderful but cumulatively some of the abatements begin major shifts in whether legislators will be able to fund education, transportation or other vital state needs. She stated, "It was a sense of let's look at every abatement and/or deferral, state or local, make sure we understand what it is and get some sense of the cumulative financial impact so that we are better armed with something at our fingertips as we get requests for additional abatements, deferrals and the like."

Chair Townsend said that he thought the chair of the Senate Taxation Committee has probably heard much about abatements, deferrals and exemptions. He did not know if Ms. Buckley wanted to include exemptions. Ms. Buckley responded, "Yes." The chair said, "That seems to be a bi-annual effort by every group known to mankind. All these taxes are great as long as I don't have to pay them and I have this great reason not to pay them and that's fine but the chairman sees that, I mean it's daily in our house, I can't speak to what goes on over there."

Senator McGinness said that he is sure that Ms. McClain has seen that in the Assembly. He said that there is a 10-year old study that said at the time there were $600 million in exemptions and if all those were taken away it would help fill some of the holes in the budget. He said, "Yes, that's a good idea and maybe we can use the old study as sort of a springboard and start there."

Chair Townsend inquired of Mr. Ghiggeri if there was enough in the budget to look at that subject and if he had the staff time to do it. Mr. Ghiggeri replied, "We will take a look at it."

The chair said he thought most of the members had been in the Legislature long enough to remember the original study and its implications. He said if it could be used as a starting point and if it could be seen prior to moving into the legislative session, legislators would have a better understanding because it is probably fair to say "we may not be overwhelmed with a budget surplus going into the next biennium." He asked that Mr. Ghiggeri advise the commission if he runs into a problem with the staff study. It was determined that no motion was necessary and staff would just be directed to perform the staff study.

The chair returned to agenda items V. C. 6. and V. G. before moving on to the next item.

E. Appointment of Chair and Vice Chair of Certain Statutory or Advisory Committees:

1. Committee on High-Level Radioactive Waste (NRS 459.0085)

Mr. Malkiewich said that Assemblyman Mortenson is the current chair and Senator McGinness is the current vice chair. The practice has been to rotate the chair and vice chair positions between the houses.

Ms. Buckley said that she has appointed Assemblymen Mortenson, Horn and Hogan and Assemblywoman Weber and Mr. Mortenson has indicated his high level of interest in chairing the committee but it is rotated between the houses so she would cede to the protocol.

Senator McGinness said that he and Mr. Mortenson have been working very well on the committee. He said it is always nice to have a nuclear physicist on the committee but the senator said he would be interested in chairing the committee

> ASSEMBLYWOMAN BUCKLEY MOVED TO APPOINT SENATOR MCGINNESS AS CHAIR AND ASSEMBLYMAN MORTENSON AS VICE CHAIR OF THE COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE. MOTION SECONDED BY ASSEMBLYMAN GOICOECHEA AND CARRIED UNANIMOUSLY.

2. Legislative Committee on Education (NRS 218.5352)

Mr. Malkiewich that the commission selects the chair and vice chair of the committee and, by statute, the chairmanship rotates between the houses and goes to the Assembly for the interim. During the previous interim, Senator Raggio was chair and Assemblywoman Parnell was vice chair.

> ASSEMBLYWOMAN BUCKLEY MOVED TO APPOINT ASSEMBLYWOMAN PARNELL AS THE CHAIR AND SENATOR RAGGIO AS THE VICE CHAIR. MOTION SECONDED BY ASSEMBLYMAN CARPENTER AND CARRIED UNANIMOUSLY.

3. Washoe County Schools Construction and Revitalization Advisory Committee (S.B. 154, sec. 10.1)

Mr. Malkiewich said that four legislative members have been appointed to the advisory committee and from them the Legislative Commission needs to appoint a chair. The four members are Senators Mathews and Townsend and Assemblywomen Gansert and Smith.

Ms. Buckley said it appears that the appointee would be either Assemblywoman Smith or Senator Townsend as the logical selections for chair and would be great choices. She was unsure where she stood on her tally but thinks that the houses have been “dead even” on the interim studies as is the custom and with the others they continue to rotate. She was unsure on the balance of the statutory committees. Responding to Ms. Buckley, Mr. Malkiewich said he did not know “where we are” on the tally because many of the committees are statutory and rotate back and forth, two of the committees elect their

own chairs and he would just be speculating on how those would go.
Ms. Buckley said that she would defer to Chair Townsend and if he is interested, she would be happy to nominate him. Chair Townsend thanked Ms. Buckley and said he would be interested and has discussed the matter with Assemblywoman Smith and the other members.

ASSEMBLYWOMAN BUCKLEY MOVED TO APPOINT SENATOR TOWNSEND AS CHAIR OF THE ADVISORY COMMITTEE. MOTION SECONDED BY ASSEMBLYMAN GOICOECHEA AND CARRIED UNANIMOUSLY.

Chair Townsend mentioned that the advisory committee is staffed by the Washoe County School District and he said that up to this point they have done an excellent job.

After the above action the chair directed attention to agenda Item VI.

F. Approval of Staff Studies and Assignment of Staff:

Mr. Malkiewich explained that this item includes various issues where staff is being requested to provide services. In some cases the request is for a staff study and in other cases the request is just for staff assistance.

1. Assistance to Department of Taxation in Study of Consolidated Tax Distribution

Mr. Malkiewich referred to a letter from Senator McGinness in the meeting packet concerning assistance. He said that staff has been working with the Department of Taxation on developing some information during the interim and this is just to approve them working with the department on the issue.

Senator McGinness said that he thinks everyone on the commission has heard about the Consolidated Tax (C-Tax) and the problems there have been in Clark County, Washoe County and even Elko County. He said that Fiscal Analysis Division staff have made some suggestions and Dino DiCianno of the Department of Taxation has also stepped forward to assist. He thinks it will provide a primer on the C-Tax and expectations of what may come up and provide suggestions. He encouraged the support of the members.

SENATOR MCGINNESS MOVED TO ACCEPT THE RECOMMENDATION TO PROVIDE STAFF ASSISTANCE TO THE DEPARTMENT OF TAXATION IN STUDY OF CONSOLIDATED TAX DISTRIBUTION. MOTION SECONDED BY ASSEMBLYMAN CARPENTER AND CARRIED UNANIMOUSLY.

2. Staff Study concerning Taxation of Certain Educational and Religious Organizations in Nevada

Mr. Malkiewich referred to a letter in the meeting packet from Assemblywoman McClain concerning exemption of education and religious organizations from assessments and fees,

particularly assessments for special assessment districts. He said it is a similar request asking that staff of the Fiscal Analysis Division review it and report to the Legislative Commission.

Mr. Malkiewich said that in his discussions with Mr. Stevens and Mr. Ghiggeri, it was determined that this request and the previous request would not overburden the Fiscal Analysis Division and they are prepared to perform the work.

> ASSEMBLYMAN ANDERSON MOVED APPROVAL OF THE REQUEST FOR A STAFF STUDY CONCERNING TAXATION OF CERTAIN EDUCATIONAL AND RELIGIOUS ORGANIZATIONS IN NEVADA. MOTION SECONDED BY SENATOR MCGINNESS AND CARRIED UNANIMOUSLY.

3. Staff Assistance for P-16 Advisory Council

Mr. Malkiewich referred to a letter in the meeting packet from Senator Cegavske who has been appointed by the Senate Majority Leader of the P-16 Council. She requested assistance of the Research Division staff over the interim period to support her in developing policy alternatives for the Council. Specifically, she is requesting policy analysis support for the Council. He thought it is a committee that staff would probably be involved in anyway. So long as the request is for policy analysis, he said that
Mr. Williams had indicated that the request could be accommodated.

Ms. Buckley inquired who provides staffing to the P-16 Advisory Council.
Mr. Malkiewich said that Senate Bill 239 provides that the Governor's Office provides administrative support.

> SENATOR MCGINNESS MOVED APPROVAL OF THE REQUEST FOR STAFF POLICY ANALYSIS SUPPORT BY SENATOR CEGAVSKE. MOTION SECONDED BY ASSEMBLYMAN GOICOECHEA.

Under discussion of the motion, Ms. Buckley said that she assumed that it would include request for assistance by any other legislator who was appointed to the committee. Chair Townsend responded in the affirmative and said it should be nondiscriminatory.

Responding to the chair, Mr. Malkiewich said that the statute provides for appointments to be made by the Senate Majority and Minority Leaders and the Assembly Speaker and Minority Leader.

> THE CHAIR CALLED FOR A VOTE ON THE MOTION AND IT CARRIED UNANIMOUSLY.

4. Staff Assistance for Council to Establish Academic Standards for Public Schools

Mr. Malkiewich referred to a letter in the meeting packet from Senator Cegavske. She has been appointed to the Council to Establish Academic Standards for Public Schools and Mr.

Malkiewich believes she will be chairing the council. She is requesting assistance from the Research Division staff over the interim period to support her in reviewing and restructuring the policy direction for the council. He indicated that it is his understanding that the request is for policy analysis support. The council is supported by the Department of Education which provides the technical, administrative and secretarial support.

SENATOR MCGINNESS MOVED APPROVAL OF THE REQUEST BY SENATOR CEGAVSKE FOR STAFF POLICY ANALYSIS SUPPORT. MOTION SECONDED BY ASSEMBLYWOMAN BUCKLEY AND CARRIED UNANIMOUSLY.

5. Staff Study of Nevada's Election System

Mr. Malkiewich noted this item and the following item are for staff studies and he recalled discussion earlier in the meeting about the problems last legislative session trying to settle on interim committees and what may occur with restructuring. One of the things regarding work load that was suggested was that staff studies are things that require much less of a "drain" on resources and some issues are appropriate for staff studies.

Mr. Malkiewich called attention to a letter from Assemblywoman Koivisto requesting the Research Division to conduct an interim staff study of the election system. The various topics are included in the second paragraph of the letter.

SENATOR MCGINNESS MOVED APPROVAL OF THE REQUEST OF ASSEMBLYWOMAN KOIVISTO FOR A STAFF STUDY OF THE ELECTION SYSTEM. MOTION SECONDED BY ASSEMBLYWOMAN BUCKLEY AND CARRIED UNANIMOUSLY.

6. Staff Study concerning Safety within the Schools and Colleges of the State

Mr. Malkiewich referred to a letter from Senator Nolan requesting a staff study concerning safety within schools and colleges and issues similar to those raised by the tragedies at Columbine High School and Virginia Tech University.

SENATOR MCGINNESS MOVED APPROVAL OF THE REQUEST OF SENATOR NOLAN FOR A STAFF STUDY CONCERNING SAFETY WITHIN THE SCHOOLS AND COLLEGES OF THE STATE. MOTION SECONDED BY ASSEMBLYMAN GOICOECHEA AND CARRIED UNANIMOUSLY.

G. Approval of Budgets for Interim Studies.

Mr. Malkiewich called attention to the material in the meeting packet for this item. The budgets for the interim studies proposed by concurrent resolutions and the one by Senate Bill 356 include three members per house. The budget for the Legislative

Committee to Oversee the Western Regional Water Commission also has six members. Rather than trying to discern which ones might have a little more or a little less, staff just set them all up with six legislators and five meetings and gave them standard budgets for the $80,000 appropriated for that purpose. It would allow for the creation of two additional committees. If, in the course of appointing those two committees, there are different members or meetings, it would have to be adjusted.

Chair Townsend requested Mr. Malkiewich to prepare a letter from the commission to the newly appointed chairs and members as well as to the staff to try, even though meetings sometimes need to be adjusted, to fill up the day and use the full day so they do not need to ask the commission for permission to hold an additional meeting. He noted it is particularly important for legislators that need to take a full day off from their work in their private life to attend a legislative meeting.

The chair returned to agenda Item V. D. 4. for additional discussion.

The chair returned to this item later in the meeting and the commission took the following action.

> SENATOR MCGINNESS MOVED APPROVAL OF BUDGETS FOR INTERIM STUDIES. MOTION SECONDED BY ASSEMBLYMAN CARPENTER AND CARRIED UNANIMOUSLY.

Item VI--Informational Items:

A. Legislative Committee Reports.

B. Legislators' Travel Reports.

C. Quarterly Reports on Disciplinary Action from the following Boards or Agencies:

1. Board of Examiners for Alcohol, Drug and Gambling Counselors.
2. Board of Examiners for Long Term Care Administrators.
3. Board of Examiners for Social Workers.
4. Board of Occupational Therapy.
5. Board of Psychological Examiners.
6. Board of Registered Environmental Health Specialists.
7. Board of Veterinary Medical Examiners.
8. Chiropractic Physicians' Board of Nevada.
9. Health Division Bureau of Licensure and Certification, Department of Health and Human Services.
10. Nevada Board of Dispensing Opticians.
11. Nevada Certified Court Reporters Board.
12. Nevada State Barber's Health and Sanitation Board.
13. Nevada State Board of Accountancy.

14. Nevada State Board of Architecture, Interior Design and Residential Design.
15. Nevada State Board of Athletic Trainers.
16. Nevada State Board of Dental Examiners.
17. Nevada State Board of Landscape Architecture.
18. Nevada State Board of Medical Examiners.
19. Nevada State Board of Nursing.
20. Nevada State Board of Optometry.
21. Nevada State Board of Pharmacy.
22. Nevada State Board of Physical Therapy Examiners.
23. Nevada State Contractors Board.
24. Private Investigators' Licensing Board.
25. Real Estate Division, Department of Business and Industry.
26. State Board of Cosmetology.
27. State Board of Professional Engineers and Land Surveyors.

D. Miscellaneous Reports from State Agencies and Others:

1. Report from Nevada State Board of Medical Examiners.
2. Copies of correspondence regarding Report from the Las Vegas Monorail Company distributed to members at an earlier date.
3. Report concerning the Annual Evaluation of Programs of Energy Assistance pursuant to NRS 702.280(2)(C).

There were no comments from members on any of the above informational reports.

Item VII--Public Comment:

Remarks and a handout by Mr. Freed is contained under agenda item V. D. 4.

A handout was provided by Knight Allen, private citizen, for a regulation that was withdrawn (copy attached as Exhibit G).

There were no additional comments from the public.

Prior to adjournment of the meeting there was a brief discussion on the next meeting date but no firm date was set.

Respectfully submitted,

Marilyn K. White
Executive Assistant

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Senator Randolph J. Townsend, Chair
Nevada Legislative Commission