



MINUTES OF THE
LEGISLATIVE COMMISSION
NEVADA LEGISLATIVE COUNSEL BUREAU
June 3, 2013

The first meeting in calendar year 2013 of the Legislative Commission, created pursuant to *Nevada Revised Statutes* (NRS) 218E.150, was held on Monday, June 3, 2013, and began at 7:30 a.m. in Room 4100 of the Legislative Building, 401 S. Carson Street, Carson City, Nevada.

COMMISSION MEMBERS PRESENT:

Senator Moises (Mo) Denis, Chair
Senator Kelvin D. Atkinson
Senator Ben Kieckhefer
Senator Ruben J. Kihuen
Senator Michael Roberson
Senator James A. Settlemeyer
Assemblyman Richard (Skip) Daly
Assemblyman Wesley K. Duncan
Assemblyman Jason M. Frierson
Assemblyman Ira Hansen
Assemblywoman Marilyn Kirkpatrick
Assemblyman Lynn D. Stewart

OTHER LEGISLATORS IN ATTENDANCE:

Assemblywoman Irene Bustamante Adams

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Rick Combs, Director, Legislative Counsel Bureau
Paul V. Townsend, Legislative Auditor, Audit Division
H. Pepper Sturm, Chief Deputy Research Director, Research Division
Janet Coons, Secretary for Minutes, Research Division

Exhibit A is the agenda, and the attendance sign-in sheet is Exhibit B. All exhibits are on file in the Director's office of the Legislative Counsel Bureau (LCB) and on the Legislative Commission's webpage at <http://www.leg.state.nv.us/Interim/76th2011/Committee/Interim/LC/?ID=2>. For purposes of continuity, any agenda items taken out of order are in proper agenda order for the minutes.

Chair Denis called the meeting to order and welcomed all new and returning members. He explained that as the policy arm of the Legislature during the interim, the Commission reviews and approves administrative regulations and provides oversight of the LCB, Interim Studies, and Statutory Committees. No permanent regulations of a State agency subject to the Administrative Procedures Act can take effect unless the Legislative Commission or its Subcommittee to Review Regulations has approved them.

Chair Denis stated that Assembly Resolution No. 14 (File No. 48, *Statutes of Nevada 2013*) and Senate Resolution No. 9 (File No. 51, *Statutes of Nevada 2013*) provide for the appointment of regular and alternate members from the Assembly and Senate to the Commission. (Please see Exhibit C and Exhibit D.) He noted this is the first meeting comprised of the new members.

I. PUBLIC COMMENT

(Because of time considerations, the period for public comment by each speaker may be limited, and speakers are urged to avoid repetition of comments made by previous speakers.)

Assemblywoman Kirkpatrick thanked Assemblyman William C. Horne and the other former members for their service on the Legislative Commission.

II. APPROVAL OF MINUTES OF THE DECEMBER 20, 2012, MEETING— Senator Moises Denis, Chair

ASSEMBLYMAN STEWART MOVED TO APPROVE THE
MINUTES OF THE DECEMBER 20, 2012, MEETING.

SENATOR SETTELMAYER SECONDED THE MOTION.

THE MOTION CARRIED. (Senators Kihuen and Roberson were
absent for the vote.)

III. LEGISLATIVE COMMISSION POLICY:

A. Review of Administrative Regulations—Brenda J. Erdoes, Legislative Counsel,
Legislative Counsel Bureau

Chair Denis called for discussion of the regulations. (Please see Exhibit E.)

Assemblyman Stewart questioned R088-12.

SENATOR SETTELMAYER MOVED TO APPROVE R073-12
AND R147-12.

ASSEMBLYWOMAN KIRKPATRICK SECONDED THE MOTION.

THE MOTION CARRIED. (Senators Kihuen and Roberson were
absent for the vote.)

Regulation 088-12

A REGULATION relating to appraisers of real estate; revising certain qualifications
of supervisory appraisers and interns; and providing other matters properly
relating thereto.

Regarding Section 1, Assemblyman Stewart requested an explanation of the increase
from one to three years for the time a supervisory appraiser is required to have been
a certified residential or general appraiser. (Please see Exhibit F.)

Brenda Kindred-Kipling, Appraisal Officer, Real Estate Division, Department of Business
and Industry, replied that the Division had to change the regulation in order to comply
with federal requirements.

SENATOR SETTELMAYER MOVED TO APPROVE R088-12.

ASSEMBLYMAN FRIERSON SECONDED THE MOTION.

THE MOTION CARRIED. (Senators Kihuen and Roberson were
absent for the vote.)

B. Approval of Transfer of Appropriated Sums Among the Legislative Commission, the Various Divisions of the Legislative Counsel Bureau, and Interim Legislative Operations—Rick Combs, Director, Legislative Counsel Bureau

Rick Combs, Director, LCB, explained that the general Appropriations Act includes a provision that authorizes the transfer of money among the various divisions. Since the Legislative Commission will probably not meet until late August or early September, Mr. Combs requested the authority to move money from one division to another—if necessary—at the end of this fiscal year. (Please see Exhibit G.)

SENATOR KIECKHEFER MOVED TO APPROVE THE TRANSFER OF APPROPRIATED SUMS AMONG THE LEGISLATIVE COMMISSION, THE VARIOUS DIVISIONS OF THE LEGISLATIVE COUNSEL BUREAU, AND INTERIM LEGISLATIVE OPERATIONS UPON THE RECOMMENDATION OF THE DIRECTOR OF THE LEGISLATIVE COUNSEL BUREAU.

SENATOR ATKINSON SECONDED THE MOTION.

THE MOTION CARRIED. (Senators Kihuen and Roberson were absent for the vote.)

C. Amendments to Rules and Policies of the Legislative Counsel Bureau, Travel Policy for Legislators Attending Meetings of National Organizations—Rick Combs, Director, Legislative Counsel Bureau

According to Mr. Combs, during the 2011-2013 biennium, legislators are not entitled to reimbursement from the Legislative Fund for attendance at out-of-state meetings due to budget reductions. This amendment would extend the prohibition through the upcoming biennium and expires on June 30, 2015. (Please see Exhibit H.)

Senator Settlemeyer agreed with this policy, but he requested Mr. Combs provide him the amount of money paid to each national organization last year. Senator Settlemeyer expressed concern for a possible disparity that may need discussion.

Mr. Combs clarified with Senator Settlemeyer that he had requested the amount of dues and registration fees paid to national organizations.

Chair Denis added that organizational dues and registration fees have been discussed at recent budget hearings.

ASSEMBLYWOMAN KIRKPATRICK MOVED TO APPROVE THE AMENDMENT TO THE RULES AND POLICIES OF THE LEGISLATIVE COUNSEL BUREAU, TRAVEL POLICY FOR LEGISLATORS ATTENDING MEETINGS OF NATIONAL ORGANIZATIONS, WHICH STATES THAT LEGISLATORS CANNOT BE REIMBURSED FOR ATTENDANCE AT AN OUT-OF-STATE MEETING THROUGH JUNE 30, 2015.

ASSEMBLYMAN DALY SECONDED THE MOTION.

THE MOTION CARRIED. (Senators Kihuen and Roberson were absent for the vote.)

D. Amendments to Rules and Policies of the Legislative Counsel Bureau Concerning Employees of the Legislative Counsel Bureau—Rick Combs, Director, Legislative Counsel Bureau

Mr. Combs explained that the first clause of the amendment to the Rules and Policies of the Legislative Counsel Bureau concerning LCB employees (Exhibit I) states that employees are not entitled to longevity pay for the period beginning July 1, 2013, and ending June 30, 2015. This is consistent with the budget closings for the Executive Branch.

He pointed out that the second clause—as written—needs amending. Mr. Combs stated he was under the impression that the money committees were going to reduce the number of furlough hours taken by State employees, but that was not the case when the pay bill passed. Therefore, he suggested the amended dates stay the same but the original 48 furlough hours be reinstated, making the amendment consistent with the closing actions of the pay bill.

According to Mr. Combs, the third clause indicates that the prohibition of longevity pay and the rule regarding furlough pay for LCB employees become effective only if the pay bill regarding these two issues passes.

Lastly, Mr. Combs affirmed that the rule regarding furlough pay expires by limitation on July 1, 2015.

ASSEMBLYWOMAN KIRKPATRICK MOVED TO APPROVE THE AMENDMENT TO THE RULES AND POLICIES OF THE LEGISLATIVE COUNSEL BUREAU CONCERNING THE EMPLOYEES OF THE LEGISLATIVE COUNSEL BUREAU BY EXTENDING THE PROHIBITION OF LONGEVITY PAY AND EXTENDING THE REQUIREMENT FOR EMPLOYEES TO TAKE 48 HOURS OF FURLOUGH LEAVE IN EACH YEAR OF THE 2013-2015 BIENNIUM.

SENATOR KIECKHEFER SECONDED THE MOTION.

THE MOTION CARRIED. (Senators Kihuen and Roberson were absent for the vote.)

IV. PROGRESS REPORTS AND APPOINTMENTS:

- A. Appointment of Members to the Legislative Commission's Subcommittee to Review Regulations (NRS 233B.067)—Rick Combs, Director, Legislative Counsel Bureau

Chair Denis said the members of the Legislative Commission's Subcommittee to Review Regulations would be appointed at the Commission's next meeting.

- B. Appointment of Members to Various Committees and Similar Entities:
1. Nevada Silver Haired Legislative Forum (NRS 427A.330)

Mr. Combs referenced *Nevada Revised Statute* 427A.330 (Exhibit J) that allows each Senator to make a district appointment from his or her district to the Nevada Silver Haired Legislative Forum (NSHLF). He presented a memo from Mary Shope, Coordinator, NSHLF, Administrative Division, LCB, indicating the nomination of John Paul (Jack) Ginter, Jr. for District No. 14 by Senator Don G. Gustavson and the nomination of Paul A. LaCombe for District No. 21 by Senator Mark A. Manendo. (Please see Exhibit K.)

SENATOR SETTELMAYER MOVED TO APPROVE THE APPOINTMENT OF JOHN PAUL (JACK) GINTER, JR. FOR DISTRICT NO. 14 AND PAUL A. LACOMBE FOR DISTRICT NO. 21 TO THE NEVADA SILVER HAIRED LEGISLATIVE FORUM.

SENATOR ATKINSON SECONDED THE MOTION.

THE MOTION CARRIED. (Senators Kihuen and Roberson were absent for the vote.)

2. Board of Directors for Corporation for Public Benefit for Nevada Youth Legislature (NRS 385.581)

Mr. Combs referred members to the handout explaining that the statutory appointments to the Board of Directors for the Corporation for Public Benefit for the Nevada Youth Legislature made in August 2011 expire this summer. (Please see Exhibit L.) Senator Denis, Senator Keickhefer, Assemblywoman Benitez-Thompson, and Assemblyman Stewart have expressed interest in reappointment to the Board, leaving three seats available for the upcoming two-year term. Mr. Combs stated that four people have expressed interest in the remaining seats: former Youth Legislators Alex Bybee and Zhan Okuda-Lim; Hope Perini; and former Senator Valerie Wiener. He noted that Ms. Perini submitted an online application (Exhibit M), and Mr. Bybee and Mr. Okuda Lim submitted letters of interest. (Please see Exhibit N and Exhibit O.) Mr. Combs remarked that both David Byerman, Executive Director for the Nevada Youth Legislature, and former Senator Valerie Wiener recommend Mr. Bybee and Mr. Okuda-Lim.

Senator Kieckhefer commented that even though Mr. Okuda-Lim is an impressive young man who currently attends Princeton University, he questioned the idea of appointing someone who does not reside in Nevada and may not be able to attend the meetings.

David Byerman, Secretary of the Senate, Executive Director, Nevada Youth Legislature, replied there is typically one Board meeting per year during the summer. He stated that Mr. Okuda-Lim could be in the State at that time as his family still lives in Nevada. If the Board does have additional meetings, Mr. Byerman said they would be video or audio conferenced for remote members.

Assemblyman Stewart asked Mr. Byerman to explain the appearance of a dual role for former Senator Wiener, if appointed.

Mr. Byerman stated that reappointment of the entire Board is required every two years. If appointed, former Senator Wiener has expressed her desire to continue serving as Chair of the Board. She would make her candidacy possible this summer when the next Board meeting occurs, presumably in conjunction with the training of the newly appointed Youth Legislators scheduled for the first week in August.

ASSEMBLYMAN STEWART MOVED TO APPROVE THE APPOINTMENT OF SENATORS DENIS AND KIECKHEFER, ASSEMBLY MEMBERS BENITEZ-THOMPSON AND STEWART, ALEX BYBEE, ZHAN OKUDA-LIM, AND FORMER SENATOR VALERIE WIENER TO THE BOARD OF DIRECTORS FOR CORPORATION FOR PUBLIC BENEFIT FOR NEVADA YOUTH LEGISLATURE.

SENATOR SETTELMAYER SECONDED THE MOTION.

Assemblywoman Kirkpatrick suggested giving Hope Perini a chance. She stressed the importance of the Nevada Youth Legislature and favors Nevada residents close to the issues serving on the Board.

Chair Denis pointed out that Ms. Perini, the mother of three children, could provide a fresh perspective on the Board. He asked Mr. Byerman to address her application. (Please see Exhibit M.)

Mr. Byerman replied that neither he nor former Senator Wiener has met Ms. Perini. He added that she has never attended a meeting or function of the Nevada Youth Legislature. Mr. Byerman acknowledged that both Mr. Bybee and Mr. Okuda-Lim have been actively involved in the program since graduating from high school, volunteering their time as mentors and coaching youth legislators over the phone during training exercises. Their actions have inspired their candidacy for the Board.

Senator Settelmeyer remarked that since the Nevada Youth Legislature is the "brainchild" of former Senator Wiener, she deserves much credit and deference for her involvement. He asked Mr. Byerman if there has been any discussion with her regarding the nominees.

Mr. Byerman replied that when it was initially thought that only one position needed an appointment, former Senator Wiener recommended Mr. Okuda-Lim. Mr. Byerman praised Mr. Okuda-Lim's involvement and commitment to the program; he was one of 50 former youth legislators who attended the alumni reunion in January. Mr. Byerman assured the members that Mr. Okuda-Lim's dedication is unquestioned. He reiterated that he and former Senator Wiener highly recommend both Mr. Bybee and Mr. Okuda-Lim.

Assemblyman Hansen asked how many positions are currently open and if the Board is required to have seven members.

Mr. Combs explained that the Board is comprised of seven members, and all positions are up for reappointment. The motion—as understood by Mr. Combs—is to reappoint the current four legislators on the Board and appoint former Senator Wiener, Ms. Perini, and Mr. Bybee as the remaining members to the Board.

Due to the continuing discussion of the motion, Senator Settlemeyer respectfully withdrew his second in order to allow a different motion.

Assemblyman Stewart clarified that his original motion was to appoint the current four legislators in addition to Mr. Bybee, Mr. Okuda-Lim, and former Senator Wiener. His experience with them has been one of great involvement, but he cannot speak to Ms. Perini.

Senator Kieckhefer stressed the value of having Board members who are committed to and actively engaged in the program. Not intending to cast judgment on Ms. Perini's qualifications or interest, Senator Kieckhefer opined that appointing her might risk the commitment of the program since she is virtually unknown to everyone involved.

SENATOR KIECKHEFER SECONDED THE PREVIOUS MOTION BY ASSEMBLYMAN STEWART TO APPOINT SENATORS DENIS AND KIECKHEFER, ASSEMBLY MEMBERS BENITEZ-THOMPSON AND STEWART, ALEX BYBEE, ZHAN OKUDA-LIM, AND FORMER SENATOR VALERIE WIENER TO THE BOARD OF DIRECTORS FOR CORPORATION FOR PUBLIC BENEFIT FOR NEVADA YOUTH LEGISLATURE.

Before accepting the second by Senator Kieckhefer, Chair Denis offered to withdraw his name from the group of legislators seeking reappointment, allowing for the appointment of the other four people expressing interest. He asked if any member would be willing to make that motion.

Senator Atkinson verified with Chair Denis his offer to remove his name for reappointment to the Board, allowing for the appointment of Senator Kieckhefer, Assembly Members Benitez-Thompson and Stewart, Mr. Bybee, Mr. Okuda-Lim, Ms. Perini, and former Senator Wiener.

Chair Denis confirmed that was correct. He added there is no requirement that legislators be on the Board.

Senator Atkinson expressed his comfort with the Chair's offer to withdraw his name and echoed Assemblywoman Kirkpatrick's thoughts regarding "new blood" on the Board.

Assemblyman Stewart withdrew his previous motion.

SENATOR ATKINSON MOVED TO APPROVE THE APPOINTMENT OF SENATOR KIECKHEFER, ASSEMBLYWOMAN BENITEZ-THOMPSON, ASSEMBLYMAN STEWART, ALEX BYBEE, ZHAN OKUDA-LIM, HOPE PERINI, AND FORMER SENATOR VALERIE WIENER, TO THE BOARD OF DIRECTORS FOR CORPORATION FOR PUBLIC BENEFIT FOR NEVADA YOUTH LEGISLATURE.

ASSEMBLYMAN STEWART SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

V. ELECTION OF CHAIR AND VICE CHAIR OF THE LEGISLATIVE COMMISSION—
Senator Moises Denis, Chair

Chair Denis explained that the offices of Chair and Vice Chair of the Legislative Commission alternate between the Senate and the Assembly during the Interim Session.

ASSEMBLYMAN FRIERSON MOVED TO APPROVE ASSEMBLYWOMAN KIRKPATRICK AS CHAIR OF THE LEGISLATIVE COMMISSION.

ASSEMBLYMAN STEWART SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Chair Denis asked for a motion to nominate the Vice Chair.

ASSEMBLYMAN DALY MOVED TO APPROVE ASSEMBLYMAN FRIERSON AS VICE CHAIR OF THE LEGISLATIVE COMMISSION.

SENATOR SETTELMAYER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

VI. INFORMATIONAL ITEMS:

The members made no requests for testimony regarding the informational items.

A. Interim Committee Meeting Reports

B. Department of Business and Industry, Housing Division, and Department of Health and Human Services, Division of Welfare and Supportive Services—Report Concerning the Annual Evaluation of Programs of Energy Assistance Pursuant to NRS 702.280(2)(c)

C. Summary of Quarterly Reports on Disciplinary Action from the Licensing Boards and State Agencies

D. Nevada Silver Haired Legislative Forum, Summary Report to the Legislative Commission and the Governor (NRS 427A.320 through 427A.400)

VII. PUBLIC COMMENT:

(Because of time considerations, the period for public comment by each speaker may be limited, and speakers are urged to avoid repetition of comments made by previous speakers.)

Senator Denis thanked the Legislative Commission for the opportunity to serve as Chair. He commended the former members for their work and again welcomed the new members to the Commission.

There was no additional public comment.

There being no further business to come before the Committee, the meeting adjourned at 8:15 a.m.

Respectfully submitted,

Janet Coons, Secretary for Minutes
Legislative Commission

APPROVED BY:

Senator Moises (Mo) Denis, Chair
Legislative Commission

LIST OF EXHIBITS

Exhibit A is the "Meeting Notice and Agenda," dated June 3, 2013, provided by Sylvia Wiese, Secretary, Director's Office, Legislative Counsel Bureau (LCB).

Exhibit B is the attendance sign-in sheet dated June 3, 2013, from Carson City, Nevada.

Exhibit C is a copy of Assembly Resolution No. 14 (File No. 48, *Statutes of Nevada 2013*), introduced by the Assembly Committee on Legislative Operations and Elections, dated May 30, 2013, provided by Sylvia Wiese, Secretary, Director's Office, LCB.

Exhibit D is a copy of Senate Resolution No. 9 (File No. 51, *Statutes of Nevada 2013*), introduced by the Senate Committee on Legislative Operations and Elections, dated May 30, 2013, provided by Sylvia Wiese, Secretary, Director's Office, LCB.

Exhibit E is a list of the State Agency Regulations to be Reviewed by the Legislative Commission, dated June 3, 2013, provided by Brenda J. Erdoes, Legislative Counsel, LCB.

Exhibit F is the Adopted Regulation of the Commission of Appraisers of Real Estate, LCB File No. R088-12, effective June 3, 2013, provided by Brenda J. Erdoes, Legislative Counsel, LCB.

Exhibit G is the Approval of Transfer of Appropriated Sums among the Legislative Commission, the Various Divisions of the Legislative Counsel Bureau, and Interim Legislative Operations, submitted by Rick Combs, Director, LCB.

Exhibit H is the Amendments to Rules and Policies of the Legislative Counsel Bureau, Travel Policy for Legislators Attending Meetings of National Organizations, submitted by Rick Combs, Director, LCB.

Exhibit I is the Amendments to Rules and Policies of the Legislative Counsel Bureau Concerning Employees of the Legislative Counsel Bureau, submitted by Rick Combs, Director, LCB.

Exhibit J is *Nevada Revised Statute 427A.330* regarding the Appointment of Members of the Nevada Silver Haired Legislative Forum, submitted by Rick Combs, Director, LCB.

Exhibit K is a memorandum dated May 28, 2013, to Rick Combs, Director, LCB, from Mary Shope, Coordinator, Nevada Silver Haired Legislative Forum, Administrative Division, LCB, regarding appointments to the Nevada Silver Haired Legislative Forum.

Exhibit L is *Nevada Revised Statute 385.581* regarding the Appointment of Members of Board of Directors for Corporation for Public Benefit for Nevada Youth Legislature, submitted by Rick Combs, Director, LCB.

Exhibit M is the Nevada Legislature Public Appointment Committee Application for Hope Perini, dated June 27, 2012, presented by Rick Combs, Director, LCB.

Exhibit N is a letter dated May 31, 2013, to Senator Mo Denis, Chair, Legislative Commission, from Alex Bybee, regarding his appointment to the Nevada Youth Legislature Foundation Board.

Exhibit O is a letter dated May 30, 2013, to Senator Mo Denis, Chair, Legislative Commission, from Zhan Okuda-Lim, regarding his appointment to serve on the Board of Directors of the Nevada Youth Legislature Foundation.

This set of “Minutes of the Legislative Commission” is supplied as an informational service. Exhibits in electronic format may not be complete. Copies of the complete exhibits are on file in the Director’s Office of the Legislative Counsel Bureau, Carson City, Nevada.