

MINUTES OF THE  
LEGISLATIVE COMMISSION  
NEVADA LEGISLATIVE COUNSEL BUREAU (LCB)  
August 24, 2011

The second meeting in 2011 of the Legislative Commission, created pursuant to *Nevada Revised Statutes* (NRS) 218E.150, was held on Wednesday, August 24, 2011. The meeting began at 9:17 a.m. in Room 4401 of the Grant Sawyer Office Building, 555 E. Washington Avenue, Las Vegas, Nevada. A simultaneous videoconference was broadcast to Room 4100 of the Legislative Building, 401 S. Carson Street, Carson City, Nevada.

COMMISSION MEMBERS PRESENT:

Senator Steven A. Horsford, Chair  
Senator Sheila Leslie, Vice Chair  
Assemblyman Marcus L. Conklin  
Assemblyman Ira Hansen  
Assemblywoman Marilyn Kirkpatrick  
Assemblyman Richard McArthur  
Assemblywoman Debbie Smith  
Assemblyman Lynn D. Stewart  
Senator Mo Denis  
Senator Elizabeth Halseth  
Senator Michael Roberson  
Senator James A. Settelmeyer

OTHER LEGISLATORS PRESENT:

Assemblyman William Horne

LEGISLATIVE COUNSEL BUREAU STAFF:

Lorne J. Malkiewich, Director  
Brenda J. Erdoes, Legislative Counsel  
Risa B. Lang, Chief Deputy Legislative Counsel  
Rick Combs, Assembly Fiscal Analyst  
Mark Krmpotic, Senate Fiscal Analyst  
Paul V. Townsend, Legislative Auditor  
Donald O. Williams, Research Director  
Connie Davis, Legislative Commission Secretary  
Fran Sullivan, Committee Assistant

Chair Horsford called the meeting to order at 9:17 a.m. Exhibit A is the agenda. Exhibit B is the guest list. Certain items may have been taken out of order but were placed in agenda order in the minutes for purposes of continuity.

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.)

There was no response to Chair Horsford's call for public comment.

II. APPROVAL OF MINUTES OF THE JUNE 3, 2011, MEETING –  
Senator Steven Horsford, Chair

ASSEMBLYMAN CONKLIN MOVED APPROVAL OF THE  
JUNE 3, 2011, MEETING MINUTES.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

III. PROGRESS REPORTS:

A. Litigation Currently in Progress – Brenda J. Erdoes, Legislative Counsel

Brenda Erdoes, Legislative Counsel, Legislative Counsel Bureau, reported that a group of registered voters in Nevada, referred to as the plaintiffs, filed an action on May 9, 2011, in the United States District Court of Nevada to challenge the legality of Nevada's voting districts under the United States Constitution and the Voting Rights Act. The defendants in the case were Senator Michael Schneider, in his official capacity as President pro Tempore of the Senate, Assemblyman John Ocegüera, in his official capacity as Speaker of the Assembly, and Assemblywoman Debbie Smith, in her official capacity as Speaker pro Tempore.

On May 18, the Federal District Court entered an order staying the case. Ms. Erdoes reported that the stay could be lifted upon the formal request of any party and noted that, possibly because of other ongoing litigation, neither party had requested lifting the stay.

With respect to the case concerning the American Cancer Society v. the Las Vegas Convention and Visitors Authority, Ms. Erdoes reported that Assembly Bill (A.B.) No. 571 of the 76th Legislature (2011) became effective on June 17, 2011. Section 2 of the bill reenacted the provisions of Assembly Bill (A.B.) No. 309 of the 75th Legislature (2009) that allowed smoking in certain circumstances in the area of a

convention facility in which a meeting or trade show was being held. Because the exemption in 2009 was combined with a bill on stalking, the Cancer Society challenged the law on the basis that it violated the constitutional prohibition of having two subjects in one bill. Because the challenge was based on the single subject of A.B. 571, the Nevada Supreme Court issued an order approving party stipulation, dismissed the appeal, and the case was closed.

Ms. Erdoes reported that on May 16, 2011, during the 2011 Legislative Session, a group of exploration companies, referred to as the plaintiffs, brought an action for declaratory judgment against the Legislature based on the mining claims fee enacted in Assembly Bill (A.B.) No. 6 during the 26th Special Session (2010). The case filed in the Carson City District Court was to interpret the constitutional provisions to provide any tax on mining claims other than a tax on net proceeds of extracting minerals.

Ms. Erdoes advised that during the 2011 Legislative Session, the Legislature passed S.B. 493, which repealed the fee imposed on certain filings regarding mining claims and provided for credit, or, in some cases, refunds of that tax money.

Additionally, Ms. Erdoes reported that on June 27, 2011, the state filed a notice of appeal to the District Court's declaratory judgment, and that case was awaiting a hearing. The state, she said, was attempting to keep the case alive so that the issue could be litigated concerning whether the Nevada Constitution actually prohibited fees other than the net proceeds of mines tax.

Ms. Erdoes reported that the Gypsum Resources, LLC v. Catherine Masto, et al. (Red Rock Canyon Case), after an oral argument heard on March 15, 2011, was awaiting a decision from the 9th Circuit U. S. Court of Appeals.

In the Commission on Ethics v. Carrigan case, which challenged the constitutionality of *Nevada Revised Statutes* (NRS) 281.501, Ms. Erdoes reported that the United States Supreme Court reversed and remanded the Nevada Supreme Court decision and held the statute to be constitutional. The Commission on Ethics v. Carrigan case was presently in the Nevada Supreme Court for additional briefing.

With respect to the Southern California Edison case, which challenged the Nevada Tax Commission and the Open Meeting Law, Ms. Erdoes reported that the Nevada Legislature filed an amicus curiae brief with the Nevada Supreme Court, and the Court ruled in the manner provided in the brief. She reported, however, the Court said that because of the actions of the parties, the case was being remanded to the First Judicial District Court.

Ms. Erdoes reported that the Deutsche Bank National Trust Company for the American Home Mortgage Company case challenged the constitutionality of the Nevada Foreclosure Mediation Program under the administration of the Nevada Supreme Court.

The Nevada Legislature on August 8, 2011, filed an amicus curiae brief with the Second Judicial District Court of Nevada supportive of the constitutionality of *Nevada Revised Statutes* (NRS) 107.086 and awaiting a decision.

There were no questions from the members of the Commission concerning Ms. Erdoes' presentation.

B. Nevada Silver Haired Legislative Forum – Herbert E. Randall, Ed.D.,  
Forum President –

Herbert E. Randall, Ed.D., President of the Nevada Silver Haired Legislative Forum addressed a progress report entitled, *Summary Report to the Legislative Commission and the Governor* (Exhibit C), a copy of which was distributed to the Commission members.

Dr. Randall reported that the Forum's primary recommendation contained within the *Summary Report to the Legislative Commission and the Governor* was the Endangered Persons Statewide Alert System, also known as Nevada's Silver Alert. The 2011 Nevada Legislature passed Senate Bill (S.B.) No. 245, which created a statewide alert system for the safe return of missing older persons. Dr. Randall expressed the Forum's "deepest" appreciation to Legislators, the Governor, and Legislative staff for their support of the legislation.

Dr. Randall also reported on the appointments for agenda Item V. C. 9 and advised that letters had been sent that identified the vacancies on the Forum and requested recommendations for appointments. Although he said there were no appointments for the Commission's approval during the current meeting, he was optimistic that recommendations would be presented at a subsequent Commission meeting.

Chair Horsford recognized Verlia Davis Hoggard, a Silver Haired Forum member and the designee from Clark County Senatorial District 4.

Chair Horsford also recognized Mary Shope, Coordinator of the Nevada Silver Haired Legislative Forum.

Ms. Shope advised that she had just learned that Senator Roberson wished to nominate Herbert E. Randall, Ed.D. to represent Clark County Senatorial District 5, which Ms. Shope clarified was considered a new appointment rather than a reappointment.

Ms. Shope acknowledged that other Forum members in the audience were Mary D. Roberts, representing Clark County Senatorial District 1, and Barbara Altman, representing Clark County District 9.

C. Nevada's Legislators Back to School Program – Kay Graves,  
Research Analyst, Constituent Services Unit, Legislative Counsel Bureau

Kay Graves, Research Analyst, Research Division, Constituent Services Unit, Legislative Counsel Bureau, and Coordinator for Nevada's Legislators Back to School Program (BTSP) provided the following presentation:

Ms. Graves reported that the BTSP was a nonpartisan civic education initiative that encouraged state legislators to visit Nevada's K-12 classrooms to talk to students about the legislative process and what it was like to be a state legislator. The program also encouraged legislators to listen to the concerns and ideas of Nevada's young citizens and also to promote civic education and participation.

The BTSP, Ms. Graves said, officially "kicked off" every year around the third week of September and on September 19, 2011, the program would begin its 12th year. Sponsored by the National Conference of State Legislatures (NCSL), the BTSP began in 1999 as a one-day event and was so successful that it expanded over time and currently continued year round. Ms. Graves asked to keep in mind that legislator classroom visits could be scheduled at any time throughout the school year. Legislators, she said, could be invited into classrooms by teachers and students, or could initiate their own classroom visits. Ms. Graves advised that she was always available to provide assistance in coordinating those visits.

Ms. Graves reported that the NCSL provided a number of BTSP materials, at no cost, to the Nevada Legislature. The materials included age-appropriate booklets and videos, which were available to legislators, teachers, and students in the Carson City and Las Vegas offices.

Ms. Graves advised that the NCSL received funding for the BTSP from Congress through the *Education for Democracy Act*. Recently, however, the NCSL notified the Back to School coordinators that the funding was cut from the budget bill that Congress passed earlier in the spring. Although the NCSL's current grant ended in September 2011, funding would continue to be provided throughout the 2011-2012 school year. Ms. Graves indicated it was her understanding that NCSL was working to restore federal funding and also seeking other funding sources to continue the BTSP beyond the 2011-2012 school year.

Additionally, Ms. Graves advised that NCSL gathered data from the Back to School Coordinators at the end of each school year and published a ranking of the top ten legislatures for legislator participation. Ms. Graves reported that Nevada was ranked in 5th place after 29 Nevada legislators participated in the BTSP and visited over 13,000 students. Their activities ranged from speaking to large assemblies of students to meeting with smaller groups of students in individual classrooms.

Ms. Graves also advised that Nevada's BTSP website could be accessed at <http://leg.state.nv.us/Division/Research/NVLegBacktoSchoolPrgm/> where teachers, students, and legislators could learn about the program and how to participate. Concluding her remarks, Ms. Graves expressed her thanks to all of the legislators who participated in the program and reiterated that sample packets of BTSP materials (Exhibit D) could be provided after the meeting.

Chair Horsford congratulated Ms. Graves on continuing the "great" participation rate in the BTSP among Nevada legislators.

#### IV. LEGISLATIVE COMMISSION POLICY:

##### A. Amendments to Rules and Policies of the Legislative Counsel Bureau Concerning Access to Public Records Requests – Lorne Malkiewich Director

Lorne Malkiewich, Director, Legislative Counsel Bureau, advised that a copy of the proposed rules (Exhibit E) was contained within the August 24, 2011, meeting packet under Item IV. A. Mr. Malkiewich advised that Legislative Counsel, Brenda Erdoes, would explain the substance of the rules.

Brenda Erdoes, Legislative Counsel, Legislative Counsel Bureau, advised that the rules presented to the Legislative Commission for approval were recommended by the Legislative Counsel Bureau's Legal Division based on events that occurred since the 2011 Legislative Session.

Ms. Erdoes explained that the amendment to the policy concerning Access to Public Records Requests resulted from the fact that in the past the Legislative Counsel Bureau did not charge for copies of public records. Recently, however, some large document requests were received that caused the Legal Division to look into whether fees should be charged for copies based on *Nevada Revised Statutes* (NRS).

Ms. Erdoes credited Teresa Wilt of the Legislative Counsel Bureau's Research Library in providing the Legal Division with the policies of other local governments and governmental entities of which the best were chosen to propose to the Commission. Ms. Erdoes explained that the basic statement contained within the amendment was a restatement of policies that were already the case and for which compliance was required. Ms. Erdoes pointed out, for example, that the policy statement included acknowledgement that the Nevada Supreme Court, in the *Donrey of Nevada v. Bradshaw* case "recognized a common law limitation that required an agency to balance the public interest in disclosure against the public interest served by nondisclosure to determine whether information" was confidential.

Ms. Erdoes pointed out that the new fees for copies in Section 2 were established at five cents (\$.05) per page after the first five pages and ten cents per page (\$.10) for copies of colored photographs. The costs were established based on language in

NRS 239.052 that said the actual cost must be charged and averaged across a governmental entity. Additionally, Ms. Erdoes pointed out that in reviewing the policies of other local governments and governmental entities, five cents per page after the first five pages and ten cents a page for colored photographs was in the middle to low side of what was being charged for copies.

Section 3 provided that a reasonable fee would be charged for the extraordinary use of personnel and technology. Using an example of a past request as the basis upon which future charges would be made for the use of personnel and technology, Ms. Erdoes recalled a request that four file cabinets containing paper contracts be converted to electronic documents, which she said required considerable staff time and equipment to accomplish.

Additionally, Ms. Erdoes explained that Section 4 addressed charging a requestor for the actual cost of reproducing public records in other readily available media, such as the actual cost of an audiotape.

Ms. Erdoes asked for the Commission's approval of the Policy on Access to Public Records, which would enable the Divisions of the Legislative Counsel Bureau to charge fees as outlined in her presentation.

Assemblyman Hansen referred to the language in Section 1 and asked for an example of how the public interest would not be served by disclosure.

Ms. Erdoes reiterated that the language in Section 1 was taken from *Donrey of Nevada v. Bradshaw*, a Nevada Supreme Court Case in which the Court "recognized a common law limitation on the provisions of the Nevada Public Records Act." Ms. Erdoes indicated that compliance would require reviewing what the Court had done in the past and recalled a case where the Court looked at a request from an individual to disclose personnel information concerning a public employee to determine why the person was not offered a job. Ms. Erdoes recalled the Court said that the overall public interest was not greater than the interest in keeping the information of the public employee private. Ms. Erdoes discussed the policy from the point of looking at the public interest as a group versus the benefit a private person would receive from the information. Ms. Erdoes indicated she would review past cases and provide additional examples after the meeting.

Assemblyman Hansen asked whether the limitation applied only to personnel matters. He indicated the policy appeared to be too broad and asked to be provided with additional examples.

Ms. Erdoes advised that the limitation did not apply solely to personnel matters and agreed to provide Assemblyman Hansen with additional examples.

ASSEMBLYWOMAN KIRKPATRICK MOVED APPROVAL OF  
ITEM IV. A, THE POLICY ON ACCESS TO PUBLIC RECORDS.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

- B. Amendments to Rules and Policies of the Legislative Counsel Bureau  
Concerning Confidentiality of Personnel Files and Other Related Information  
– Lorne Malkiewich Director

Brenda Erdoes, Legislative Counsel, Legislative Counsel Bureau, advised that a new rule on the confidentiality of personnel files was proposed by the Legal Division because of requests that had been received and the confusion related to not having a rule that the employment records of Legislative Counsel Bureau's employees were confidential.

Ms. Erdoes advised that the proposed rule was crafted from the *Nevada Administrative Code* (NAC) 284.718 and 284.726, which were the NAC provisions of regulations adopted by the State Personnel Commission related specifically to the personnel records and files of the Executive Branch of government. Additionally, she pointed out that the rule was "straightforward" and based on federal law.

Ms. Erdoes recommended approval of the rule to which those requesting confidential information could be referred. A past example Ms. Erdoes used in which the rule would have been helpful was a case in which an applicant for a position who was not selected asked to have all of the information about the specific questions that were asked of the other applicants made public.

Assemblywoman Kirkpatrick asked if the rule was proposed to establish a long-term procedure for future requests.

Ms. Erdoes confirmed that the rule would establish a long-term procedure and also that any requestor who wanted information from the Legislative Counsel Bureau could review the Amendments to Rules and Policies of the Legislative Counsel Bureau to determine which records were confidential.

SENATOR SETTELMAYER MOVED APPROVAL OF THE RULE  
CONCERNING THE CONFIDENTIALITY OF PERSONNEL FILES.

ASSEMBLYWOMAN KIRKPATRICK SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.



C. Resolution Recognizing 100th Anniversary of the Founding of the Republic of China – Lorne Malkiewich, Director

Lorne Malkiewich, Director, Legislative Counsel Bureau, advised that a copy of the resolution recognizing the 100th Anniversary of the Founding of the Republic of China (Taiwan) had been distributed to the members of the Commission.

Mr. Malkiewich reported that a resolution was adopted annually to recognize Nevada's ongoing sister-state relationship with the Republic of China (Taiwan), and the date, celebrated as Double Tenth Day, commemorated the founding of the Republic of China on October 10, 1911. Mr. Malkiewich noted again that October 10, 2011, would mark the 100th Anniversary of the Founding of the Republic of China (Taiwan).

ASSEMBLYWOMAN KIRKPATRICK MOVED APPROVAL OF THE RESOLUTION RECOGNIZING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE REPUBLIC OF CHINA.

ASSEMBLYMAN CONKLIN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

D. Approval of Contributions and Expenses Report Form from the Secretary of State (NRS 294A.373) – Scott Gilles, Deputy Secretary for Elections

Scott F. Gilles, Esq., Deputy Secretary for Elections, Office of the Secretary of State, introduced Nicole Lamboley, Chief Deputy, Office of the Secretary of State, and Kristi Geiser, Program Officer, Office of the Secretary of State.

Mr. Gilles appeared before the Commission to request approval of the Secretary of State's Contributions and Expenses Report Forms, required by *Nevada Revised Statutes* (NRS) 294A.373. Mr. Gilles advised that two forms were submitted to Legislative Counsel, Brenda Erdoes. One form (Exhibit G) was to be used by political action committees (PAC) that advocated the passage or defeat of ballot questions and the second form (Exhibit H) would be used by all others.

Mr. Gilles explained that the reason for the alternate ballot advocacy form was related to the reporting threshold. He said the reference to PACs that advocated the passage or defeat of a ballot question, previously referred to as a Ballot Advocacy Group or BAG, had been removed. Those groups, currently referred to as PACs, were required to report contributions and expenses in excess of \$1,000, while the threshold for all others was \$100.

Assemblywoman Kirkpatrick asked whether additional information would be provided on how to complete the form because she indicated a first-time candidate would find it difficult to interpret.

Mr. Gilles advised that an instruction sheet including the statutory references that detailed how to complete the forms had been provided in the past and would continue to be provided.

Assemblywoman Kirkpatrick noted the reference to NRS 294A.225 that related to registration of a nonprofit corporation and asked whether a list of nonprofit organizations was available.

Mr. Gilles said that although it was not possible to provide an all inclusive list of nonprofit organizations, the instruction sheet would provide, in layman terms, guidance on how and when to file and what triggered the filing requirement.

Commenting on Assemblywoman Kirkpatrick's reference to NRS 294A.225 that related to the registration of a nonprofit organization engaged in a political activity, Mr. Gilles said the other statutes in 294A specifically related to reporting would dictate when and if those groups were required to report.

Senator Settelmeyer asked whether a penalty existed for unknowingly entering incorrect information in the expense categories. He also asked whether the reference to NRS 294A.225 listed under Code K in the expense categories could be better defined to make those filing forms aware that the statute referred to nonprofit corporations designed to affect the outcome of an election.

Mr. Gilles advised that it was the policy of the Office of the Secretary of State to enforce the reporting requirements to ensure reports were filed rather than to fine individuals for incorrectly reporting expenses. With respect to the reference to NRS 294A.225 in the Code K expense category, Mr. Gilles advised that Code K was a new category and indicated the instruction sheet would provide guidance concerning those expenses.

Assemblyman Conklin questioned the expense category listed as Code I for expenses related to a Legal Defense Fund and asked whether an individual who had a legal defense fund and chose to pay expenses from campaign funds could appropriately document those expenses under that category.

Mr. Gilles advised that expenses would be entered under the Code I category for the Legal Defense Fund.

Assemblywoman Smith asked for clarification concerning In Kind Expenses in Excess of \$100, and In Kind Contributions in Excess of \$100, which she indicated appeared to cause the most confusion for candidates.

Mr. Gilles clarified that the In Kind Contributions page required the candidate filing the form to report the name and address of the person, group, or organization who provided the in kind contribution to the candidate. He explained that the In Kind

Expenses page required the name and address of person, group, or organization who received the in kind good or service.

Mr. Gilles responded affirmatively to Assemblywoman Smith who asked whether the person, group, or organization that received the in kind good or service was always the campaign.

Assemblywoman Smith asked that clarification be provided on the instruction sheet for in kind expenses and contributions since after reviewing reports online, she noted the reports were filed in a variety of ways.

Senator Leslie questioned whether the online form could be reduced to a letter-sized document rather than a legal-sized document for those individuals who did not normally have legal-sized paper available on which to print the form.

Mr. Gilles indicated the summary page included too much information to fit onto a letter-sized page and because everyone would be required to file and submit the document online, the paper size should not be a problem. He advised, however, that once the information was entered into the online version, the options for printing were "printer friendly."

Senator Leslie indicated she preferred to print her own document and said that the printer-friendly options did not work.

Mr. Gilles advised that because most filings would take place online, the Office of the Secretary of State was taking steps to improve the program that currently existed and would make "user-friendly" upgrades to filing the report.

ASSEMBLYMAN CONKLIN MOVED APPROVAL OF THE  
CONTRIBUTIONS AND EXPENSES REPORT FORM FROM THE  
OFFICE OF THE SECRETARY OF STATE.

ASSEMBLYWOMAN KIRKPATRICK SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

V. APPOINTMENTS OF MEMBERS TO COMMITTEES AND APPROVAL OF  
BUDGETS – Lorne J. Malkiewicz, Director

A. Appointments to Various Ongoing Statutory Committees:

Chair Horsford announced that the Commission packets contained lists of current members of the various ongoing statutory committees and that the Senate and Assembly caucuses would provide recommendations for new appointments.

In response to Senator Roberson who asked for information concerning the process of receiving recommendations from each of the four caucuses, Chair Horsford indicated the suggestions would occur during the meeting in a group discussion.

1. Commission on Special License Plates (NRS 482.367004)

Lorne Malkiewich, Director, Legislative Counsel Bureau, advised that the Legislative Commission was directed to appoint five members to the Commission on Special License Plates including the former chairs of the Senate and Assembly Transportation committees, Senator Breeden and Assemblywoman Dondero Loop, who were listed as ex officio. Mr. Malkiewich further advised the Legislative Commission needed to appoint three additional members to the Commission on Special License Plates.

Chair Horsford announced he would accept recommendations first from the Assembly Democratic Caucus followed by the Assembly Republican Caucus and then the Senate Republican Caucus followed by the Senate Democratic Caucus.

Assemblyman Conklin, who represented the Assembly Democratic Caucus, nominated Assemblyman Richard Carrillo. Assemblyman Conklin also expressed his understanding that Assemblywoman Dondero Loop, as an ex officio, was automatically appointed.

Assemblyman Stewart, who represented the Assembly Republican Caucus, nominated Assemblyman John C. Ellison.

Senator Settelmeyer, who represented the Senate Republican Caucus, nominated Senator Donald (Don) Gustavson.

Chair Horsford, who represented the Senate Democratic Caucus, nominated Senator Shirley A. Breeden.

ASSEMBLYMAN CONKLIN MOVED APPROVAL OF THE  
NOMINATIONS TO THE COMMISSION ON SPECIAL LICENSE  
PLATES.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Mr. Malkiewich clarified that although the Chair of the Commission on Special License Plates rotated between the Chairs of the Transportation Committees, the Legislative Commission designated the Chair. He explained that during the previous interim then-Senator Maggie Carlton served as the Chair and Assemblyman Kelvin Atkinson served as Vice Chair. Continuing the rotation, Mr. Malkiewich suggested a motion would be in order to appoint Assemblywoman Marilyn Dondero Loop as the Chair and Senator Shirley Breeden as Vice Chair of the Commission on Special License Plates.

SENATOR DENIS MOVED APPROVAL TO APPOINT ASSEMBLYWOMAN MARILYN DONDERO LOOP AS CHAIR AND SENATOR SHIRLEY BREEDEN AS VICE CHAIR OF THE COMMISSION ON SPECIAL LICENSE PLATES.

ASSEMBLYMAN CONKLIN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

2. Committee to Consult with the Director (NRS 218E.225)

Lorne Malkiewich, Director, Legislative Counsel Bureau, advised that the Committee to Consult with the Director was a statutory committee with no particular composition. He explained that because, in part, the Committee's duties consisted of preparation for legislative sessions, representatives of leadership from all four caucuses were normally appointed. Mr. Malkiewich mentioned again that the number of members of the Committee to Consult with the Director was entirely up to the Legislative Commission.

In keeping with past practice, Chair Horsford recommended that five members of the Assembly made up of three Democrats and two Republicans and three members of the Senate made up of two Democrats and one Republican be appointed to the Committee.

Assembly Conklin, who represented the Assembly Democratic Caucus, nominated Assemblywoman Debbie Smith, Assemblywoman Marilyn Kirkpatrick, and Assemblyman Marcus Conklin.

Assemblyman Stewart, who represented the Assembly Republican Caucus, nominated Assemblyman Pete Goicoechea and Assemblyman Lynn Stewart.

Senator Settelmeyer, who represented the Senate Republican Caucus, nominated Senator Barbara Cegavske.

Chair Horsford, who represented the Senate Democratic Caucus, nominated Senator Sheila Leslie and Senator Mo Denis.

Senator Roberson suggested the nomination of Senator Ben Kieckhefer.

After a brief recess, Chair Horsford reconvened the meeting at 10:25 a.m. and announced that the ranking member of the Senate Republicans on the Commission recommended Senator Mike McGinness for appointment.

Chair Horsford announced that the recommendations for appointment to the Committee to Consult with the Director were:

Assemblywoman Smith, Assemblywoman Kirkpatrick, Assemblyman Conklin, Assemblyman Goicoechea, Assemblyman Stewart, Senator McGinness, Senator Leslie, and Senator Denis.

ASSEMBLYMAN CONKLIN MOVED APPROVAL OF THE NOMINATIONS TO THE COMMITTEE TO CONSULT WITH THE DIRECTOR.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Chair Horsford congratulated Lorne Malkiewich, Director, of the Legislative Counsel Bureau, who, after thirty years of service in various capacities within the Bureau, had announced his retirement would take place prior to the 2013 Legislative Session. The Chairman commended Mr. Malkiewich's exceptional work during his tenure and expressed the thanks of the members of the Commission.

Chair Horsford advised that, after discussions with Leadership, one of the primary charges of the Committee to Consult with the Director, during the current interim, would be to oversee the recruitment of a new director. Related to the recruitment process, the Chairman indicated the need to select a Chair for the Committee to Consult with the Director.

ASSEMBLYMAN CONKLIN MOVED APPROVAL TO NOMINATE SENATOR MO DENIS AS CHAIR OF THE COMMITTEE TO CONSULT WITH THE DIRECTOR.

ASSEMBLYWOMAN KIRKPATRICK SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

3. Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System (NRS 218E.555)

Lorne Malkiewich, Director, Legislative Counsel Bureau, announced that the Commission members were directed to select three members from each House to the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System.

Assemblyman Conklin, who represented the Assembly Democratic Caucus, nominated Assemblywoman Peggy Pierce and Assemblywoman Marilyn Kirkpatrick.

Assemblyman Stewart, who represented the Assembly Republican Caucus, nominated Assemblyman Kelly Kite.

Senator Settlemeyer, who represented the Senate Republican Caucus, nominated Senator James Settlemeyer.

Chair Horsford, who represented the Senate Democratic Caucus, nominated Senator John Lee and Senator David Parks.

SENATOR DENIS MOVED APPROVAL OF THE NOMINATIONS  
TO THE LEGISLATIVE COMMITTEE FOR THE REVIEW AND  
OVERSIGHT OF THE TAHOE REGIONAL PLANNING AGENCY  
AND THE MARLETTE LAKE WATER SYSTEM.

ASSEMBLYMAN CONKLIN SECONDED THE MOTION.

THE MOTION WAS UNANIMOUSLY APPROVED.

In response to Chair Horsford who asked if the Commission was required to appoint a chair for the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System, Mr. Malkiewich advised that the members of the Committee would elect the chair.

4. Legislative Committee on Child Welfare and Juvenile Justice  
(NRS 218E.705)

Lorne Malkiewich, Director, Legislative Counsel Bureau, advised that the Commission members were directed to select three members from each House to the Legislative Committee on Child Welfare and Juvenile Justice. Mr. Malkiewich also explained that for this Committee the Commission was directed to appoint the Chair and Vice Chair, which rotated between the two Houses. The Chair, he said, would be selected from the Senate and the Vice Chair from the Assembly.

Assemblyman Conklin, who represented the Assembly Democratic Caucus, nominated Assemblywoman Teresa Benitez-Thompson and Assemblyman Jason Frierson.

Assemblyman Stewart, who represented the Assembly Republican Caucus, nominated Assemblyman John Hambrick.

Senator Settlemeyer, who represented the Senate Republican Caucus, nominated Senator Greg Brower.

Chair Horsford, who represented the Senate Democratic Caucus, nominated Senator Ruben Kihuen and Senator Valerie Wiener.

ASSEMBLYMAN CONKLIN MOVED APPROVAL OF THE NOMINATIONS TO THE LEGISLATIVE COMMITTEE ON CHILD WELFARE AND JUVENILE JUSTICE.

ASSEMBLYWOMAN KIRKPATRICK SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Chair Horsford nominated Senator Valerie Wiener as Chair of the Legislative Committee on Child Welfare and Juvenile Justice.

Assemblyman Conklin nominated Assemblyman Jason Frierson as Vice Chair.

ASSEMBLYMAN CONKLIN MOVED APPROVAL OF THE NOMINATIONS FOR CHAIR AND VICE CHAIR TO THE LEGISLATIVE COMMITTEE ON CHILD WELFARE AND JUVENILE JUSTICE.

ASSEMBLYWOMAN KIRKPATRICK SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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

Lorne Malkiewich, Director, Legislative Counsel Bureau, advised that the Commission members were directed to select three members from each House as well as a chair and vice chair to the Legislative Committee on Health Care. Mr. Malkiewich noted that the chair would, during the current interim, rotate to the Assembly and the vice chair to the Senate.

Assemblyman Conklin, who represented the Assembly Democratic Caucus, nominated Assemblywoman Peggy Pierce and Assemblywoman April Mastroluca.

Assemblyman Stewart, who represented the Assembly Republican Caucus, nominated Assemblyman Crescent Hardy.

Senator Settelmeyer, who represented the Senate Republican Caucus, nominated Senator Joe Hardy.

Chair Horsford, who represented the Senate Democratic Caucus, nominated Senator Shirley Breeden and Senator Valerie Wiener.

ASSEMBLYMAN CONKLIN MOVED APPROVAL OF THE NOMINATIONS TO THE LEGISLATIVE COMMITTEE ON HEALTH CARE.



SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Assemblyman Conklin nominated Assemblywoman April Mastroluca as Chair of the Legislative Committee on Health Care.

Chair Horsford nominated Senator Valerie Wiener as Vice Chair of the Legislative Committee on Health Care.

ASSEMBLYMAN CONKLIN MOVED APPROVAL OF THE  
NOMINATIONS FOR CHAIR AND VICE CHAIR TO THE  
LEGISLATIVE COMMITTEE ON HEALTH CARE.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

6. Legislative Committee on Public Lands (NRS 218E.510)

Lorne Malkiewich, Director, Legislative Counsel Bureau, advised that the Commission members were directed to select four members and alternates, if so desired, to the Legislative Committee on Public Lands. Mr. Malkiewich further advised that the members of the Legislative Committee on Public Lands would elect the chair and vice chair. Additionally, the Commission was directed to appoint an elected officer representing the governing body of a local political subdivision.

Assemblyman Conklin, who represented the Assembly Democratic Caucus, nominated Assemblyman Paul Aizley, Assemblywoman Irene Bustamante-Adams, and Assemblywoman Maggie Carlton, with Assemblyman "Skip" Daly as an alternate.

Assemblyman Stewart, who represented the Assembly Republican Caucus, nominated Assemblyman Ira Hansen, with Assemblyman Pete Livermore as an alternate.

Senator Settlemeyer requested a brief recess and after a return to the record, Assemblyman Stewart corrected his nomination of an alternate to Assemblyman Pete Goicoechea.

Senator Settlemeyer, who represented the Senate Republican Caucus, nominated Senator Greg Brower and Senator Dean Rhoads, with Senator Gustavson as an alternate.

Chair Horsford, who represented the Senate Democratic Caucus, nominated Senator Mark Manendo and Senator David Parks, with Senator Mike Schneider as an alternate.

ASSEMBLYMAN CONKLIN MOVED APPROVAL OF THE NOMINATIONS OF MEMBERS AND ALTERNATES TO THE LEGISLATIVE COMMITTEE ON PUBLIC LANDS.

SENATOR SETTELMEYER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Chair Horsford indicated he would entertain a motion to appoint a local government representative to the Legislative Committee on Public Lands.

ASSEMBLYWOMAN KIRKPATRICK MOVED TO APPROVE THE APPOINTMENT OF CLARK COUNTY COMMISSIONER CHRIS GIUNCHIGLIANI AS THE ELECTED OFFICER REPRESENTING THE GOVERNING BODY OF A LOCAL POLITICAL SUBDIVISION.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED (Senator Roberson and Assemblyman Hansen voted no).

B. Appointments to Interim Studies:

1. Allocation of Money Distributed from the Local Government Tax Distribution Account (A.B. 71)

Lorne Malkiewich, Director, Legislative Counsel Bureau, advised that the Commission members were directed to appoint a subcommittee consisting of three members of the Senate and three members of the Assembly and to designate the chair as well.

Senator Settelmeyer, who represented the Senate Republican Caucus, nominated Senator Elizabeth Halseth.

Assemblyman Stewart, who represented the Assembly Republican Caucus, nominated Assemblyman John Ellison.

Assemblyman Conklin, who represented the Assembly Democratic Caucus, nominated Assemblyman "Skip" Daly and Assemblywoman Marilyn Kirkpatrick.

Chair Horsford, who represented the Senate Democratic Caucus, nominated Senator John Lee and Senator David Parks.

ASSEMBLYMAN CONKLIN MOVED APPROVAL OF THE NOMINATIONS TO THE INTERIM STUDY CONCERNING THE ALLOCATION OF MONEY DISTRIBUTED FROM THE LOCAL GOVERNMENT TAX DISTRIBUTION.

SENATOR DENIS SECONDED THE MOTION. –

THE MOTION CARRIED.

Assemblyman Conklin nominated Assemblywoman Kirkpatrick as Chair of the interim study for the Allocation of Money Distributed from the Local Government Tax Distribution Account.

ASSEMBLYMAN CONKLIN MOVED APPROVAL FOR ASSEMBLYWOMAN KIRKPATRICK TO SERVE AS CHAIR OF THE INTERIM STUDY OF THE ALLOCATION OF MONEY DISTRIBUTED FROM THE LOCAL GOVERNMENT TAX DISTRIBUTION ACCOUNT.

SENATOR DENIS SECONDED THE MOTION.

Chair Horsford discussed recent comments that legislators lacked the ability to adjust the formula for the allocation of money from the local government tax distribution account. In response to those comments, the Chair said he hoped local government representatives would fully participate in the study to help ensure an equitable distribution. Without further discussion, Chair Horsford indicated he would take a vote on the motion.

THE MOTION CARRIED UNANIMOUSLY.

## 2. Laws Governing the Protection of Children (S.C.R. 5)

Chair Horsford advised that issues concerning the Laws Governing the Protection of Children would be addressed within the Legislative Committee on Child Welfare and Juvenile Justice.

## 3. Structure and Operation of the Nevada Legislature (A.C.R. 12)

Lorne Malkiewich, Director, Legislative Counsel Bureau, advised that the Structure and Operation of the Nevada Legislature was an interim study composed of three members of the Assembly and three members of the Senate. The Commission, he said, was directed to appoint the members of the Committee and to designate a Chair.

Assemblyman Stewart, who represented the Assembly Republican Caucus, nominated Assemblyman Lynn Stewart.

Assemblyman Conklin, who represented the Assembly Democratic Caucus, nominated Assemblyman Tick Segerblom and Assemblyman Jason Frierson.

Senator Settelmeyer, who represented the Senate Republican Caucus, nominated Senator Greg Brower.

Chair Horsford, who represented the Senate Democratic Caucus, nominated Senator Sheila Leslie and Senator Mo Denis.

SENATOR SETTELMAYER MOVED APPROVAL OF THE NOMINATIONS TO THE COMMITTEE TO STUDY THE STRUCTURE AND OPERATION OF THE NEVADA LEGISLATURE.

ASSEMBLYMAN CONKLIN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Chair Horsford requested a nomination of a Chair for the Committee to Study the Structure and Operation of the Nevada Legislature.

ASSEMBLYMAN CONKLIN MOVED TO APPROVE THE APPOINTMENT OF ASSEMBLYMAN SEGERBLOM AS CHAIR OF THE COMMITTEE TO STUDY THE STRUCTURE AND OPERATION OF THE NEVADA LEGISLATURE.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

C. Appointments to Nonlegislative Committees:

1. Advisory Board on Maternal and Child Health (NRS 442.133)

Lorne Malkiewich, Director, Legislative Counsel Bureau, advised that the Legislative Commission appointed one member of each House to the Advisory Board on Maternal and Child Health. He said the terms ended the third Monday of January of odd-numbered years. Thus, the appointments were generally made prior to the beginning of a session rather than after the session ended. He said, however, two positions were currently vacant, and replacements needed to be appointed for the remainder of the two-year term.

Senator Settelmeyer, who represented the Senate Republican Caucus, nominated Senator Joseph Hardy.

Assemblyman Conklin, who represented the Assembly Democratic Caucus, nominated Assemblywoman Olivia Diaz.

SENATOR DENIS MOVED APPROVAL TO APPOINT SENATOR HARDY AND ASSEMBLYWOMAN DIAZ TO THE ADVISORY BOARD ON MATERNAL AND CHILD HEALTH.

ASSEMBLYMAN CONKLIN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

2. Advisory Council on the State Program for Fitness and Wellness (NRS 439.518)

Lorne Malkiewich, Director, Legislative Counsel Bureau, advised that the Legislative Commission appointed one member of the Senate and one member of the Assembly to the Advisory Council on the State Program for Fitness and Wellness. The current members were Senator Valerie Wiener and Assemblywoman April Mastroluca.

Chair Horsford, who represented the Senate Democratic Caucus, nominated Senator Valerie Wiener to the Advisory Council.

Assemblyman Conklin, who represented the Assembly Democratic Caucus, nominated Assemblywoman Olivia Diaz to the Advisory Council.

SENATOR DENIS MOVED APPROVAL OF THE NOMINATIONS TO THE ADVISORY COUNCIL ON THE STATE PROGRAM FOR FITNESS AND WELLNESS.

ASSEMBLYWOMAN KIRKPATRICK SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

3. Board of Directors for the Corporation for Public Benefit for the Nevada Youth Legislature (S.B. 237)

Lorne Malkiewich, Director, Legislative Counsel Bureau, advised that Senate Bill (S.B.) No. 237 of the 76th Session (2011) revised certain provisions governing the Nevada Youth Legislature and required the creation of a Corporation with a Board of Directors composed of seven members. Mr. Malkiewich pointed out that the legislators on the list contained within the August 24, 2011, packet had indicated a willingness to serve as the initial Board of Directors. Mr. Malkiewich further advised that unless the Commission wished to make changes to the list of volunteers, the legislators could be approved as listed.

Mr. Malkiewich also advised that David Byerman, the Secretary of the Senate, had agreed to serve as Executive Director of the Nevada Youth Legislature. Mr. Byerman and his Senate staff would take over administration of the program from the Legal Division. Although Mr. Byerman was not able to attend the meeting, he wanted

the members appointed to the Board of Directors to know that he would soon be in contact with them.

Chair Horsford entertained a motion to approve Senator Valerie Wiener, Senator Mo Denis, Senator Ben Kieckhefer, Senator Mike McGinness, Assemblywoman Teresa Benitez-Thompson, Assemblywoman Marilyn Dondero Loop, and Assemblyman Lynn Stewart to the Board of Directors for the Corporation for Public Benefit for the Nevada Youth Legislature.

SENATOR DENIS MOVED APPROVAL FOR THE APPOINTMENT OF SENATOR VALERIE WIENER, SENATOR MO DENIS, SENATOR BEN KIECKHEFER, SENATOR MIKE MCGINNESS, ASSEMBLYWOMAN TERESA BENITEZ-THOMPSON, ASSEMBLYWOMAN MARILYN DONDERO LOOP, AND ASSEMBLYMAN LYNN STEWART TO THE BOARD OF DIRECTORS FOR THE CORPORATION FOR PUBLIC BENEFIT FOR THE NEVADA YOUTH LEGISLATURE.

ASSEMBLYMAN CONKLIN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

#### 4. Commission on Ethics (NRS 281A.200)

Lorne Malkiewich, Director, Legislative Counsel Bureau, advised that the Legislative Commission and the Governor were each required to appoint four members to the Commission on Ethics. Of the Legislative Commission's four appointments, at least two, he said, had to be former public officers and at least one an attorney licensed to practice in the state. Additionally, not more than four members of the Commission could be members of the same political party and not more than four members could be residents of the same county.

Mr. Malkiewich noted that current appointments to the Commission included two former public officers and two attorneys. He advised that George Keele, whose term would expire in September, could not be reappointed while Paul Lamboley, who had served only one term, was interested and eligible for reappointment. Mr. Malkiewich advised that if Mr. Lamboley was reappointed, the other appointee could be from anywhere in the state, was not required to be an attorney or a public officer but could not be a Democrat.

Mr. Malkiewich advised that Caren Jenkins, the Executive Director of the Commission on Ethics, submitted nominations for James Hales and Mike Pavlakis, two northern Nevada attorneys, while Senator Lee had submitted a nomination for Tim Cory, a Republican attorney from Clark County.

Chair Horsford indicated he would entertain a motion for the reappointment of Paul Lamboley.

SENATOR SETTELMAYER MOVED APPROVAL FOR THE REAPPOINTMENT OF PAUL LAMBOLEY TO THE COMMISSION ON ETHICS.

ASSEMBLYMAN CONKLIN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Assemblyman Conklin asked whether his colleagues from northern Nevada could provide background information on the nominees from northern Nevada.

Senator Settelmeyer advised that James Hales was an attorney in Douglas County with whom he was well acquainted. While he was familiar with the other candidate, Senator Settelmeyer indicated Mr. Hales had the ability and time to serve on the Commission.

Chair Horsford noted that only three out of the eight members of the Commission on Ethics were from Clark County and indicated that statewide representation would be made equal by considering the nominee from Clark County.

Assemblyman Conklin asked for information on where the meetings were held and how a Clark County representative would be affected by the commitment to serve.

Mr. Malkiewich advised that the Commission met in panels for a preliminary review by several of the members grouped by location and when the Commission met as a group, the meetings were broadcast through a simultaneous videoconference so that the meetings could be attended both in Carson City and Las Vegas. Mr. Malkiewich expressed uncertainty, however, concerning whether the members of the Commission were required to attend in one location.

Assemblyman Stewart indicated that the Assembly Minority Leader favored Mike Pavlakis. He said, however, he had known Tim Cory for many years and believed Mr. Cory to be strong candidate.

Senator Roberson added that Tim Cory was very well regarded in southern Nevada.

ASSEMBLYMAN STEWART MOVED APPROVAL FOR THE APPOINTMENT OF TIM CORY TO THE COMMISSION ON ETHICS.

SENATOR ROBERSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

## 5. Interim Task Force on Out-of-School-Time Programs (A.B. 362)

Lorne Malkiewich, Director, Legislative Counsel Bureau, advised that the Interim Task Force on Out-of-School-Time Programs was composed of 12 members, 8 of whom were to be appointed by the Legislative Commission.

Mr. Malkiewich further advised that Assemblywoman Diaz, who sponsored the legislation, provided contact information for nominees to the Task Force. The Commission, he said, could approve the following list of nominees for each of the various categories or could replace the nominees with others:

Beth Kolacki, a representative of a national nonprofit organization that provided services to children.

Julie Willis-Leon, a representative of a nonprofit organization, located in Nevada, which provided services to children.

Danielle Bowen, a representative of a nonprofit organization, located in Nevada, which provided support to an out-of-school-time program.

Matt Schrade, a representative of a private-for-profit organization, located in Nevada, which provided services to children.

Jamie Burnett, a representative of an agency that provided resources and referrals to out-of-school-time programs.

Tammy Cross, a representative of a faith-based organization that provided services for children.

Renee Caudill and Kelli Seals were representatives for parents of children in the state.

In response to Chair Horsford's questions concerning selection of nominees, Mr. Malkiewich advised that in addition to receiving contact information from Assemblywoman Diaz, plans were underway to place a link on the Nevada Legislature's website to allow members of the public to apply for appointment to nonlegislative committees.

Chair Horsford indicated that he wanted to allow for more than one name by category for consideration and that an opportunity should be made available for interested parties to submit their names. Because the intent of the legislation was to better address out-of-school-time programs for youth, Chair Horsford indicated that organizations, such as the After-School All-Stars, that provided free after-school programs to youth, might want to be a part of the effort. Chair Horsford discussed redoubling efforts to identify additional candidates and holding the appointments until the next Commission meeting.



Assemblywoman Smith mentioned that the Task Force addressed a specific type of out-of-school program, which she believed was the reason for the involvement of a fairly limited scope of organizations. Assemblywoman Smith recalled that the Task Force on Out-of-School-Time Programs was the genesis of two bills presented during the 2011 Session that were eventually combined into one bill. She advised that several organizations that worked on the legislation had nominees on which they all agreed.

Chair Horsford agreed with the intent of the legislation, and those who worked on it, should continue to be involved. He said, however, an effort should be made to reach beyond the key partners who were involved to ensure that representatives of all the communities that should be served knew that the opportunity to participate was available.

Hearing no further comments, Chair Horsford indicated the appointments to the Interim Task Force on Out-of-School-Time Programs would be held for the next Legislative Commission meeting.

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

Lorne Malkiewich, Director, Legislative Counsel Bureau, addressed the appointments to the National Conference of Commissioners on Uniform State Laws. Mr. Malkiewich advised that the Legislative Commission was directed to appoint four attorneys who were members of the Legislature to the National Conference. He further advised that the legislators who had expressed an interest in serving were all eligible for appointment.

Mr. Malkiewich indicated a question had been asked about current members who wanted to continue to participate in the National Conference. He explained that Nevada Revised Statutes (NRS) 219.020 provided that a member who wished to continue his or her service could do so by notifying the Conference.

Chair Horsford indicated a suggestion was made to appoint Senator Brower, Assemblyman Horne, Assemblyman Ohrenschall, and Assemblyman Segerblom to the National Conference.

Assemblyman Conklin expressed agreement with the appointment of Assemblyman Horne and Assemblyman Ohrenschall, which he said left two seats for the Senate.

Assemblywoman Smith noted that while a current member could continue to serve, payment would have to be provided for travel.

Mr. Malkiewich advised that there was no out-of-state travel money in the budget, and neither current nor former members would be reimbursed for out-of-state travel.

Chair Horsford said the recommendation, without objection, was to appoint Senator Roberson, Senator Brower, Assemblyman Horne, and Assemblyman Ohrenschall, and if Assemblyman Segerblom wished to participate as a former member, he could do so. As previously noted by Mr. Malkiewich, Chair Horsford reiterated that members of the Conference would be responsible for their own travel expenses.

ASSEMBLYMAN CONKLIN MOVED APPROVAL OF THE NOMINEES TO THE NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS.

SENATOR SETTELMAYER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

#### 7. Nevada AIDS Advisory Task Force –

Lorne Malkiewich, Director, Legislative Counsel Bureau advised that the Nevada AIDS Advisory Task Force was not a statutory committee. The Task Force was created by the Health Division of the Department of Health and Human Services, which requested that the Legislative Commission appoint one legislator from each House.

Chair Horsford nominated Senator David Parks.

Assemblyman Conklin nominated Assemblyman Kelvin Atkinson.

SENATOR DENIS MOVED APPROVAL OF THE NOMINEES TO THE NEVADA AIDS ADVISORY TASK FORCE.

ASSEMBLYMAN CONKLIN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

#### 8. Nevada Commission on Aging (NRS 427A.032)

Lorne Malkiewich, Director, Legislative Counsel Bureau, advised that the Nevada Commission on Aging was composed of one member of the Senate and one member of the Assembly appointed by the Legislative Commission as nonvoting members.

Chair Horsford recommended Senator Mark Manendo for appointment to the Nevada Commission on Aging.

Assemblyman Conklin recommended Assemblyman Joe Hogan.

ASSEMBLYMAN CONKLIN MOVED APPROVAL FOR THE APPOINTMENT OF SENATOR MARK MANENDO AND ASSEMBLYMAN JOE HOGAN TO THE NEVADA COMMISSION ON AGING AS NONVOTING MEMBERS.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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

SENATOR ROBERSON MOVED APPROVAL TO NOMINATE HERBERT E. RANDALL, ED.D., FOR THE OPEN VACANCY ON THE NEVADA SILVER HAIRED FORUM, CLARK COUNTY SENATORIAL DISTRICT 5.

ASSEMBLYMAN CONKLIN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

10. Southern Nevada Enterprise Community Board (S.B. No. 352 of the 74th Session) (2007)

Lorne Malkiewich, Director, Legislative Counsel Bureau, advised that the Southern Nevada Enterprise Community Board was created by the 2007 Legislature and expanded in 2009. The Board currently included among its members one member of the Senate and one member of the Assembly appointed by the Legislative Commission.

Assemblyman Conklin nominated Assemblywoman Dina Neal.

Chair Horsford nominated Senator Steven Horsford.

ASSEMBLYMAN CONKLIN MOVED APPROVAL OF ASSEMBLYWOMAN NEAL AND SENATOR HORSFORD TO THE SOUTHERN NEVADA ENTERPRISE COMMUNITY BOARD.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

11. State Council for the Coordination of the Interstate Compact on Educational Opportunity for Military Children (NRS 392C.020)

Lorne Malkiewich, Director, Legislative Counsel Bureau, advised that the State Council for the Coordination of the Interstate Compact on Educational Opportunity for Military Children included among its members one Legislator or other person appointed by the Legislative Commission to represent the interests of the Legislature.

Assemblyman Conklin nominated Senator Mark Manendo.

ASSEMBLYMAN CONKLIN MOVED APPROVAL OF  
SENATOR MARK MANENDO TO THE STATE COUNCIL FOR  
THE COORDINATION OF THE INTERSTATE COMPACT ON  
EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

D. Appointment of Chair and Vice Chair of Certain Committees:

Lorne Malkiewich, Director, Legislative Counsel Bureau, advised that prior to the current agenda item, the Commission had appointed the members and some of the chairs of the committees that were addressed. He explained that the Commission appointed the chair and vice chair of the following three statutory committees and three interim studies while the members would be appointed by Senate and Assembly Majority Leaders.

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

Lorne Malkiewich, Director, Legislative Counsel Bureau, advised that the Legislative Commission was directed to appoint a chair and vice chair to the Committee on High-Level Radioactive Waste.

Assemblyman Conklin nominated Senator David Parks as Chair of the Committee on High-Level Radioactive Waste and Assemblyman Joe Hogan as Vice Chair.

ASSEMBLYMAN CONKLIN MOVED APPROVAL OF  
SENATOR PARKS AS CHAIR AND ASSEMBLYMAN HOGAN AS  
VICE CHAIR OF THE COMMITTEE ON HIGH LEVEL  
RADIOACTIVE WASTE.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

## 2. Legislative Committee on Education (NRS 218E.605)

Lorne Malkiewich, Director, Legislative Counsel Bureau, advised that the Legislative Commission was directed to appoint the chair and vice chair of the Legislative Committee on Education. Mr. Malkiewich noted that the chairmanship rotated between the Houses and was in the Assembly for the current interim.

Assemblyman Conklin nominated Assemblyman David Bobzien as Chair and Senator Mo Denis as Vice Chair of the Legislative Committee on Education.

ASSEMBLYMAN CONKLIN MOVED TO APPROVE  
ASSEMBLYMAN DAVID BOBZIEN AS CHAIR AND  
SENATOR MO DENIS AS VICE CHAIR OF THE LEGISLATIVE  
COMMITTEE ON EDUCATION.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

## 3. Legislative Committee on Senior Citizens, Veterans, and Adults with Special Needs (NRS 218E.750)

Lorne Malkiewich, Director, Legislative Counsel Bureau, advised that the Legislative Commission was directed to appoint the chair and vice chair of the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs from among the members of the Committee.

Assemblyman Conklin nominated Senator Shirley Breeden as Chair and Assemblywoman Teresa Benitez-Thompson as Vice Chair.

ASSEMBLYMAN CONKLIN MOVED FOR THE APPROVAL OF  
SENATOR SHIRLEY BREEDEN AS THE CHAIR AND  
ASSEMBLYWOMAN TERESA BENITEZ-THOMPSON AS THE  
VICE CHAIR OF THE LEGISLATIVE COMMITTEE ON SENIOR  
CITIZENS, VETERANS, AND ADULTS WITH SPECIAL NEEDS.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Lorne Malkiewich, Director, Legislative Counsel Bureau, advised that the next three Legislative Commission subcommittees would be conducted as interim studies, and, therefore the Commission was directed to appoint a chair and vice chair for each study.

4. Deposits and Refunds on Recycled Products (A.B. 427)

Assemblyman Conklin nominated Senator Mark Manendo as the Chair and Assemblyman James Ohrenschall as the Vice Chair.

ASSEMBLYMAN CONKLIN MOVED APPROVAL FOR THE APPOINTMENT OF ASSEMBLYMAN JAMES OHRENSCHALL AS THE CHAIR AND SENATOR MARK MANENDO AS THE VICE CHAIR OF THE INTERIM STUDY FOR DEPOSITS AND REFUNDS ON RECYCLED PRODUCTS.

SENATOR ROBERSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

5. New Method for Funding Public Schools (S.B. 11)

Assemblyman Conklin nominated Senator Mo Denis as the Chair and Assemblyman Marcus Conklin as the Vice Chair.

ASSEMBLYMAN CONKLIN MOVED APPROVAL FOR THE APPOINTMENT OF SENATOR MO DENIS AS CHAIR AND ASSEMBLYMAN MARCUS CONKLIN AS VICE CHAIR FOR THE INTERIM STUDY FOR A NEW METHOD FOR FUNDING PUBLIC SCHOOLS.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY

6. Trademark and Copyright Law (A.B. 383)

Chair Horsford indicated he would hold the nominations for the interim study on Trademark and Copyright Law until he could speak to the Legislative Counsel.

#### E. Approval of Budgets for Interim Studies and Statutory Committees -

Lorne Malkiewich, Director, Legislative Counsel Bureau, advised that the spreadsheets (Exhibit I) contained within the members' packets provided budgetary information on the proposed interim studies and statutory committees. Mr. Malkiewich pointed out that the Committee to Study the Funding for Higher Education had a separate funding appropriation as outlined within Senate Bill (S.B.) No. 374 of the 76th Session (2011).

Additionally, Mr. Malkiewich explained that the data included information on the number of meetings for which each committee was budgeted and the sources of funding. The Legislative Committee on Health Care, for example, received a transfer from other funds. Mr. Malkiewich also pointed out that the budget provided each Committee the authorization to meet and that the budgets for some committees were slightly enhanced for travel. As a general rule, however, he said it was assumed that travel would not occur because the meetings would be broadcast to Las Vegas and Carson City through a simultaneous videoconference. The Legislative Committee on Public Lands and the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Water System were two exceptions that could incur some travel costs.

Mr. Malkiewich advised that the budgets included funding for the number of meetings the committees needed to carry out their duties. He said, however, that some additional funding, if needed, was available and could be shifted from one budget to another in a future Commission meeting. Mr. Malkiewich said, however, the funding detailed in the budget documents would provide the committees the initial money to begin their work subject to any modifications the Commission members might wish to discuss.

Chair Horsford noted that the subjects of concern regarding the budget recommendations included the number of meetings, the time line for adequate staff coverage, and the locations of meetings in terms of efficiency and expense. Additionally, Chair Horsford indicated that the Director should be provided the authority to adjust the budget funding if adjustments were required.

Mr. Malkiewich advised that the Legislative Commission had control over the budgets, and changes could be made if the Commission members noted, for example, that perhaps a committee needed more or fewer meetings. Otherwise, he said, the Commission could approve the initial budgets, which could be adjusted at a future meeting.

In reference to the concern regarding timing, Mr. Malkiewich advised that agenda item V. F addressed certain committees meeting before or after the statutory period for meetings. He explained that the interim studies met from January to June while the statutory committees met from November through August unless the Commission approved a lengthier meeting period. Mr. Malkiewich indicated the only committee

that needed more time was one that was not subject to the limitations. He said, however, the committees listed under Item F were subject to limitations.

In response to questions Assemblywoman Kirkpatrick asked concerning unspent funding allocations for the interim committees, Mr. Malkiewich advised that unspent funding remained in the Legislative Fund and would be used to offset part of the cost of the next legislative session.

Senator Roberson asked for information concerning whether cost savings would occur by holding all interim committee meetings in Clark County since 70 percent of the population and the majority of the legislators resided in Clark County.

Mr. Malkiewich advised that all interim studies and statutory committees were broadcast through a simultaneous videoconference between Las Vegas and Carson City. Thus, he said all southern Nevada legislators would attend meetings in Las Vegas and all northern Nevada legislators would attend in Carson City eliminating the need for traveling from one end of the state to the other. Exceptions, he said, were the Legislative Committee on Public Lands that often met in rural Nevada and, therefore, had higher expenses, the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System that normally scheduled one or two meetings at Lake Tahoe, and the Interim Finance Committee because it was such a large committee. Mr. Malkiewich indicated that, as a general rule, the budget assumed a cost of \$75 per member for per diem and driving to and from the building location.

In response to questions Assemblywoman Smith asked about the budget for the Study on the New Method for Funding Public Schools, Mr. Malkiewich advised that Senate Bill (S.B.) No. 11 of the 76th Session (2011) provided that the Committee "would carry out its duties to the extent that was available to do so from sources including without limitation, gifts, grants, and donations." He further advised that the budget document reflected \$5,808 for minor expenses of the legislators attending the meetings.

Chair Horsford indicated he would entertain a motion to approve the budgets as recommended and also to provide the Director the authority to make adjustments based on final decisions made during the August 24, 2011, Commission meeting.

ASSEMBLYMAN CONKLIN MOVED APPROVAL OF THE BUDGETS FOR STATUTORY COMMITTEES AND INTERIM STUDIES AS RECOMMENDED AND WITH AUTHORITY PROVIDED TO THE DIRECTOR TO MAKE ADJUSTMENTS BASED ON THE FINAL DECISIONS OF THE COMMISSION DURING THE AUGUST 24, 2011, COMMISSION MEETING.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.



- F. Approval for Certain Committees to Meet Before or After Statutory Period for Meetings of Interim Committees

Refer to discussion under Item V. E. No action was taken on Item F.

VI. INFORMATIONAL ITEMS:

- A. Summary of Quarterly Reports on Disciplinary Action from the Licensing Boards and State Agencies
- B. Miscellaneous Reports or Correspondence from State Agencies and Others:

1. Nevada State Board of Medical Examiners' Annual Report 2010

Lorne Malkiewich, Director, Legislative Counsel Bureau, advised that the informational items included a Summary of Quarterly Reports on Disciplinary Action from the Licensing Boards and State Agencies and the Nevada State Board of Medical Examiners' Annual Report 2010. Mr. Malkiewich indicated that Quarterly Reports could be viewed in greater detail on the Nevada Legislature's website.

Mr. Malkiewich advised that testimony concerning either the Summary of Quarterly Reports on Disciplinary Action from the Licensing Boards and State Agencies or the Nevada State Board of Medical Examiners Annual Report 2010 had not been requested by Commission members.

Assemblywoman Kirkpatrick noted that the Nevada State Funeral Board's audit reports were not submitted timely and asked Mr. Malkiewich to include the Funeral Board as an item on the next Legislative Commission agenda. Assemblywoman Kirkpatrick indicated she specifically wanted information on the submission of audit reports, the purview of the Board, and a list of Board members.

ASSEMBLYMAN CONKLIN MOVED TO RESCIND THE PREVIOUS ACTION ON ITEM D. 5 THAT APPOINTED SENATOR DENIS THE CHAIR AND ASSEMBLYMAN CONKLIN THE VICE CHAIR OF THE STUDY FOR A NEW METHOD FOR FUNDING PUBLIC SCHOOLS.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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ASSEMBLYMAN CONKLIN MOVED APPROVAL TO APPOINT ASSEMBLYMAN CONKLIN THE CHAIR AND SENATOR DENIS THE VICE CHAIR OF THE STUDY FOR A NEW METHOD FOR FUNDING PUBLIC SCHOOLS.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

#### 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.)

There was no response to Chair Horsford's request for public comment.

Assemblyman Hansen, a new member of the Commission, asked for information concerning the review of how current government bodies functioned in relation to legislative intent of past laws and how he could place an item on a subsequent agenda.

Chair Horsford explained that state agency regulations were initially submitted to the Legislative Commission's Subcommittee to Review Regulations. The Subcommittee or Commission could object to a regulation for various reasons including the regulation did not conform to statutory authority or did not carry out legislative intent.

Chair Horsford advised Assemblyman Hansen to speak to the Director or to the Legislative Counsel in regard to any regulation for which he might have concerns.

Additionally, Chair Horsford advised that it was the intent of the Director to release a list of appointments approved by the Commission as well as those submitted by the Majority and Minority Leaders from each House.

Mr. Malkiewich confirmed that he would provide Chair Horsford, Speaker Ocegüera, Senator McGinness and Assemblyman Goicoechea an opportunity to review the individual appointments, and in the next several days he would release a complete list of committee appointments.

With no further business to come before the Legislative Commission, Chair Horsford adjourned the meeting at 11:37 a.m.

Respectfully submitted,

Connie Davis, Secretary  
Legislative Commission

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Senator Steven Horsford, Chair  
Legislative Commission

| <p style="text-align: center;"><b>EXHIBITS</b><br/> <b>Nevada Legislative Commission</b><br/> <b>Date – August 24, 2011 – Time 9:17 a.m.</b></p> |   |  |
|--|---|--|
| <b>Exhibit</b>   | <b>Witness/Agency</b>   | <b>Description</b>   |
| A  |   | Agenda   |
| B  |   | Guest List   |
| C  | Herbert E. Randall, Ed.D.,<br>President, Nevada Silver<br>Haired Forum          | <i>Summary Report to the<br/>Legislative Commission and the<br/>Governor</i>                         |
| D  | Kay Graves, Coordinator for<br>the Nevada Legislators<br>Back to School Program | Sample packets of BTSP<br>materials.   |
| E  | Brenda Erdoes, Legislative<br>Counsel, Legislative<br>Counsel Bureau            | Policy on Access to Public<br>Records  |
| F  | Brenda Erdoes, Legislative<br>Counsel, Legislative<br>Counsel Bureau            | Rule Concerning Confidential<br>Records  |
| G  | Scott Gilles, Deputy<br>Secretary for Elections                                 | Campaign Contributions and<br>Expense Form – Total<br>Monetary Contributions in<br>Excess of \$1,000 |
| H  | Scott Gilles, Deputy<br>Secretary for Elections                                 | Campaign Contributions and<br>Expense Form – Total<br>Monetary Contributions in<br>Excess of \$100   |
| I  | Lorne Malkiewich, Director,<br>Legislative Counsel Bureau                       | Budget Spreadsheets  |