

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-Third Session
May 17, 2005**

The Committee on Government Affairs was called to order at 8:17 a.m., on Tuesday, May 17, 2005. Chairman David Parks presided in Room 3143 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Mr. David Parks, Chairman
Ms. Peggy Pierce, Vice Chairwoman
Mr. Kelvin Atkinson
Mr. Chad Christensen
Mr. Jerry D. Claborn
Mr. Pete Goicoechea
Mr. Tom Grady
Mr. Joe Hardy
Mrs. Marilyn Kirkpatrick
Mr. Bob McCleary
Mr. Harvey J. Munford
Ms. Bonnie Parnell
Mr. Scott Sibley

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Dennis Nolan, Clark County Senatorial District No. 9

STAFF MEMBERS PRESENT:

Eileen O'Grady, Committee Counsel
Susan Scholley, Committee Policy Analyst
Nancy Haywood, Committee Attaché

OTHERS PRESENT:

None

Chairman Parks:

[Meeting called to order and roll called.] We are in work session today. The first bill up for our consideration is S.B. 81.

Senate Bill 81 (1st Reprint): Makes various changes concerning protection of historic and prehistoric sites. (BDR 33-428)

Susan Scholley, Committee Policy Analyst, Legislative Counsel Bureau:

[Handed out the work session document, Exhibit B.] Senate Bill 81 was sponsored by the Senate Committee on Human Resources and Education on behalf of the Legislative Committee on Public Lands. It was heard in this Committee on May 5. The bill authorizes the State Historic Preservation Office (SHPO) to enter into agreements with State agencies or local governments regarding the acquisition of land from the federal government. The bill spells out that the agreement must ensure protection for cultural resources equivalent to the protection that would be afforded them on federal lands. It requires consultation with SHPO for a change in use or new projects, and it requires the managing entity to pay all expenses associated with the agreement.

The bill also makes it a crime to engage in destructive conduct towards historic, prehistoric, or other cultural resources. The first offense is a misdemeanor, the second and subsequent offenses are gross misdemeanors, and a person may also be held liable for civil damages. Testimony in support of the bill was given on behalf of the Legislative Committee on Public Lands, who explained that the Pershing County Water Conservation District was in particular need of this bill. Also supporting the bill was the Administrator of the State Lands Division, Pam Wilcox, and Bjorn Selinder, for Churchill and Eureka Counties.

The City of Las Vegas expressed some concerns and proposed some oral amendments, but later withdrew those concerns and amendments. The measure did pass unanimously in the Senate with one member excused. The fiscal impact on the local government relates to the newly provided term of "imprisonment." There is no fiscal impact at the state government level.

ASSEMBLYMAN GOICOECHEA MOVED TO DO PASS
SENATE BILL 81.

ASSEMBLYMAN HARDY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Chairman Parks:

We will move on to S.B. 131.

Senate Bill 131: Increases number of members of Commission on Mental Health and Developmental Services. (BDR 18-279)

Susan Scholley, Committee Policy Analyst, Legislative Counsel Bureau:

Senate Bill 131, sponsored by the Senate Committee on Government Affairs on behalf of the Nevada Mental Health Plan Implementation Commission, was heard in this Committee on May 13. The bill would add a new member to the Commission on Mental Health and Developmental Services. That member must be a current or former recipient of mental health services. The bill also makes some minor changes to the organizations submitting candidates for the professional psychologist position on the board. Testimony in support came from Carlos Brandenburg, the Administrator of the Division of Mental Health and Developmental Services, and former recipients of mental health services also testified in support.

There was no other testimony. No amendments were proposed. The measure passed in the Senate with 18 ayes, Senator Beers and Senator Carlton voted no, and one member was excused. There was no fiscal impact at the local level, and there was an identified fiscal note at the state government level for the travel expenses associated with attending the meetings.

ASSEMBLYMAN HARDY MOVED TO DO PASS SENATE BILL 131.

ASSEMBLYWOMAN PARNELL SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Chairman Parks:

The next bill in front of us is S.B. 184.

**Senate Bill 184 (1st Reprint): Revises provisions relating to enterprise funds.
(BDR 31-23)**

Susan Scholley, Committee Policy Analyst, Legislative Counsel Bureau:

Senate Bill 184 was sponsored by Senator Care, and it was heard in this Committee on May 13. Senate Bill 184 requires a local government that operates an enterprise fund to create a committee to provide recommendations on the operation on the fund, with the committee membership and the scope of the committee's duties outlined in further detail in the bill. The measure also changes the maximum amount of unreserved working capital that may be maintained in the fund and requires a reduction in fees if the unreserved working capital exceeds the maximum for two consecutive fiscal years. The Nevada Taxpayers Association, Clark County, Nevada Association of Counties, the City of Reno, and the Southern Nevada Home Builders Association all testified in support of the bill. There was no testimony in opposition. There were no amendments proposed. The measure passed unanimously in the Senate, with one member excused. It may have a fiscal impact at the local government level and none at the state government level.

Chairman Parks:

I have a question relative to the fiscal impact. I'm presuming setting up a committee to make recommendations would be a de minimis expense? We did not have any opposition to this bill, so there was no stated opposition by either the City of Las Vegas or Clark County, as I understand it.

ASSEMBLYMAN CHRISTENSEN MOVED TO DO PASS
SENATE BILL 184.

ASSEMBLYMAN McCLEARY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Chairman Parks:

The next bill we have is S.B. 194.

Senate Bill 194 (1st Reprint): Revises provisions regarding certain systems of communication related to public safety. (BDR 19-749)

Susan Scholley, Committee Policy Analyst, Legislative Counsel Bureau:

Senate Bill 194 was sponsored by Senator Nolan and was heard in this Committee on April 27. It requires the Commission on Homeland Security to make recommendations to the Governor on the capability and inoperability of communication systems. The bill also postpones from July 1 to October 1, 2005, the date by which state and local governments must be purchasing systems that comply with the state plan. Testifying in support of the measure were the City of Las Vegas and the Department of Information Technology. Washoe County noted its involvement in the state process. Churchill and Eureka Counties urged consideration of rural concerns.

Frank Adams, on behalf of the Nevada Sheriffs' and Chiefs' Association, proposed an amendment to Section 1 on page 3, after line 8, which would add a new subsection (c). This subsection would state: "Recommendations to the Governor are not binding, and a method of appeal shall be developed, should members within the Commission disagree with recommendations or a public safety agency disagree with the recommendations of the Commission." The measure passed unanimously in the Senate with one member excused, and there was no identified fiscal impact.

Assemblywoman Pierce:

I'm okay with the bill. The amendment about the minority report doesn't really make sense to me, since it is advising and making recommendations. I don't know how you would appeal recommendations. I'm good with the bill, but the amendment doesn't make sense to me.

Chairman Parks:

I share your concern. This is an advisory committee, and they just simply make recommendations. I don't know of any advisory committees that have any procedure for a minority opinion, short of a member expressing to the appointing authority why they are not in favor. We are not closing any door there. If somebody feels strongly enough, they can certainly express their concerns.

ASSEMBLYMAN HARDY MOVED TO DO PASS SENATE BILL 194.

ASSEMBLYMAN McCLEARY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Chairman Parks:

The next bill we have is S.B. 229.

Senate Bill 229 (1st Reprint): Creates certain tax incentives for economic development. (BDR 21-910)

Susan Scholley, Committee Policy Analyst, Legislative Counsel Bureau:

Senate Bill 229 was sponsored by Senator Horsford. It was heard yesterday in this Committee. It provides for the partial abatement or deferral of certain taxes to provide economic incentives for locating or expanding businesses in certain underserved areas. I did attach a copy of the bill summary ([Exhibit B](#)). Testifying in support of the bill were Bob Schriver, Executive Director of the Nevada Commission on Economic Development, Russell Rowe, John Wagner, the City of Las Vegas, North Las Vegas, the Las Vegas Chamber of Commerce, and the Washoe County School District. There were no amendments proposed. The measure did pass unanimously in the Senate with one member excused. There was no state or local fiscal impact.

ASSEMBLYMAN MUNFORD MOVED TO DO PASS
SENATE BILL 229.

ASSEMBLYWOMAN PARNELL SECONDED THE MOTION.

THE MOTION CARRIED. (Assemblyman Parks was not present for the vote.)

Vice Chairwoman Pierce:

The next bill is S.B. 380.

Senate Bill 380 (1st Reprint): Makes various changes relating to homeland security. (BDR 19-611)

Susan Scholley, Committee Policy Analyst, Legislative Counsel Bureau:

Senate Bill 380 was sponsored by the Senate Committee on Transportation and Homeland Security on behalf of the Nevada Commission on Homeland Security. It was heard May 16. Senate Bill 380 is identical to A.B. 233 with several exceptions, which will be discussed later during the amendment phase. Assembly Bill 233 was amended and passed by the Assembly Committee on Government Affairs on April 15. The bill is concurrently referred to Assembly Ways and Means. It has been declared exempt and it is noted as containing an unfunded mandate. Testimony in support was given by Stan Olsen, representing the Las Vegas Metropolitan Police Department and the Nevada Sheriffs' and Chiefs' Association; Adjutant General Giles Vanderhoof, who also spoke in support of the bill on behalf of himself; Dr. Dale Carrison, Director of the Commission; and the Governor. Nicole Lamboley clarified the status of the fire chiefs in Reno and Washoe County.

Amendments were proposed by Stan Olsen and Dan Musgrove. We will go through a mockup, which is attached ([Exhibit B](#)). The measure passed unanimously in the Senate. It was identified as possibly having a fiscal impact at the local government level and also at the state level. The amendments begin on page 3 of the mockup. Dan Musgrove proposed a new Section 7 to pick up the airport—other than an international airport exception to the restrictive document definition. Lines 10 through 27, Stan Olsen proposed to clarify that members were voting members. Mr. Olsen proposed specific amendments to subsections (c) and (d), but our Committee Counsel spoke with him after the meeting, and we are proposing a slightly different format to clarify that all 14 members would be voting members. This would be to avoid any confusion somehow that only subsection (c) and (d) members were voting members.

On page 4, this is an amendment proposed by Stan Olsen clarifying that airports other than international airports are covered. This would make this bill consistent with A.B. 233, as well as federal law. On pages 7 and 8, Mr. Olsen proposed adding two new sections. These are the sections that were also included in A.B. 233, which set up the Office of Economic Development of the Security Industry in the Office of the Governor. It also provides for an appropriation for the operating expenses of the Office of Economic Development of the Security Industry.

Assemblyman Goicoechea:

There would be approximately five members who would be appointed by the Governor, who would be voting members and outside this defined group? That is where some of the rules would come in? Under this, there is nothing there for Carson City, Elko, or any of those, unless they were appointed by the Governor.

I wanted to make clear that those five persons would, in fact, be voting members.

Susan Scholley:

Yes. That is our understanding, that all fourteen of the members, five of which are spelled out—making nine that remain to be appointed by the Governor—would be voting members. You'll also note that subsections 3 and 4 create two non-voting members that are legislative appointments. You are correct; the other 9 would be voting members and would be appointed by the Governor. There was testimony that there should be some rural representation in that group.

Assemblyman Goicoechea:

I believe that we have two sheriffs, two fire chiefs, the FBI [U.S. Federal Bureau of Investigation] agent, the officer from Homeland Security in this state, the member of the medical community, and the two legislative appointments; that would be nine. Is that not correct? The sheriff of each county whose population is 100,000 or more would be two—Washoe and Clark Counties. We have the fire chiefs from each one, which would be two more.

Susan Scholley:

It would be (a), (b), (c), (d), and (e). I'm still only getting five.

Assemblyman Goicoechea:

Seven, with the member of the medical community, is the way that I interpret it.

Susan Scholley:

I don't believe that the non-voting members appointed by the Legislative appointments are part of the fourteen. Those are outside of the fourteen. There would be fourteen members appointed by the Governor, plus the Governor serves as the chair. In effect, you have a fifteen-member commission, plus you have the two legislative non-voting appointees; that equals seventeen. I still come up with five positions that are specified. Am I missing one?

Assemblyman Goicoechea:

I have seven. I have the member of the medical community, the officer from Homeland Security, the FBI agent, and then four in the other two groups, I believe. That would equal seven and would allow seven.

Assemblywoman Parnell:

Mr. Goicoechea could answer this for me, because now I'm concerned. All of the specific appointments for population are all over the 100,000 or in the

medical community with a population of over 400,000. Where do you see assurance that our rurals would be represented?

Assemblyman Goicoechea:

There wouldn't be an assurance, other than from the Governor. There would be seven positions that would be appointed by the Governor. I'm assuming that the Governor would, at least, mix those up enough so that we would have some representation for those counties under a population of 100,000.

Assemblywoman Parnell:

I would even suggest, if we pass the bill out as is, that we at least send a letter from the Committee. I would feel a little more comfortable if that was in writing. We don't even have a rural sheriff represented. Maybe we could tackle that with a letter from the Committee.

Assemblyman Goicoechea:

If we go on record as legislative intent, those seven positions would in fact consider the rural areas of under 100,000 in population. Clearly, 50 percent of the board is already shaped and designated as the two counties in this state that are over 100,000. The legislative intent would clearly be that there would be some rural representation in the seven seats to be appointed by the Governor. I think that is clearly legislative intent.

Assemblywoman Parnell:

I would agree.

Vice Chairwoman Pierce:

Are you comfortable with that?

Assemblywoman Parnell:

Whatever we can do. I just hate not seeing anything when you've identified a number of individuals in counties over 100,000 or over 400,000 in population, and not acknowledge at all the counties under 100,000 in population. That makes me a little uncomfortable.

Assemblyman Goicoechea:

That was my concern with the bill. I wanted to make sure that there was some room for us.

Assemblyman Hardy:

I'm sure that there is a rationale for the two legislative appointments not to be voting members, but I don't know what it is. Could somebody please clarify

why we are not doing voting members? Aren't those the only two members who are not voting?

Eileen O'Grady, Committee Counsel, Legislative Counsel Bureau:

I believe it is a separation of powers issue to have the legislators on an executive commission. That is why they have to be non-voting.

Assemblyman Hardy:

The legislative appointees are legislators. Could they be a non-legislator but appointed by the Legislature?

Eileen O'Grady:

No. It requires a member of the Senate or a member of the Assembly. It has to be a legislator.

Assemblyman Goicoechea:

Clearly, if this doesn't work out and we don't like the appointments that do happen, we can come back and tweak this on the next session.

ASSEMBLYMAN GOICOECHEA MOVED TO AMEND AND DO PASS SENATE BILL 380 AS IN THE MOCKUP CONTAINED IN THE WORK SESSION DOCUMENT.

ASSEMBLYMAN HARDY SECONDED THE MOTION.

THE MOTION CARRIED. (Assemblyman Parks was not present for the vote.)

Vice Chairwoman Pierce:

The next bill is S.B. 411.

Senate Bill 411 (1st Reprint): Makes various changes relating to local improvements. (BDR 21-1293)

Susan Scholley, Committee Policy Analyst, Legislative Counsel Bureau:

Senate Bill 411 was sponsored by the Senate Committee on Government Affairs and was heard in Assembly Government Affairs on May 13. It makes a number of changes related to improvement districts. I have attached the bill summary in the Work Session Document ([Exhibit B](#)). Basically, it makes a lot of rather

technical changes to the provisions relating to local improvement districts and the levy, collection, and financing of the assessments. Testimony in support was given by Marvin Leavitt, representing the Urban Consortium, and John Swendseid of the law firm of Swendseid and Stern, who represent the State and various local municipalities as bond counsel. There was no other testimony.

Mr. Swendseid did propose two cleanup amendments. They are amending the ordinance authorizing the levy of assessments and would permit the governing body to authorize the Treasurer to reduce or waive collection of any penalties. The amendments also corrected a citation to NRS [*Nevada Revised Statutes*] that was incorrectly cited in the bill. The measure passed unanimously in the Senate. It may have fiscal impact at the local level. There is no identified fiscal impact at the state level.

ASSEMBLYMAN HARDY MOVED TO AMEND AND DO PASS
SENATE BILL 411.

ASSEMBLYMAN GRADY SECONDED THE MOTION.

Assemblywoman Parnell:

I'm looking in Section 2, line 6. It says, "Must not exceed 15 percent..." I don't see enabling language, unless it's elsewhere.

Eileen O'Grady, Committee Counsel, Legislative Counsel Bureau:

This is only if a municipality creates an improvement districts that these requirements apply. That is why it is enabling.

THE MOTION CARRIED. (Assemblyman Parks was not present for the vote.)

Vice Chairwoman Pierce:

The next bill is S.B. 428.

Senate Bill 428 (1st Reprint): Prohibits admission of certain persons as parties to certain administrative proceedings. (BDR 18-987)

Susan Scholley, Committee Policy Analyst, Legislative Counsel Bureau:

Senate Bill 428 was sponsored by the Senate Committee on Legislative Operations and Elections. It was heard in this Committee on May 9. Senate Bill 428 prohibits the admission of a party to an administrative proceeding in a contested case involving the grant or denial of a license if the person does not have a direct financial interest in the license. The bill also requires the district court to dismiss any party in a petition or cross-petition for judicial review of a final decision involving the grant or denial if that person was not a party to the administrative proceeding.

Testimony in support of the bill was provided by Jim Wadhams. Fred Hillerby expressed concern about whether the bill changed the levels of judicial review in administrative proceedings. Mr. Hillerby did speak with Mr. Wadhams after the hearing and later notified the Chair that his concerns had been laid to rest. There were no amendments proposed at the hearing. However, in discussions with Committee Counsel, there is a proposed amendment on page 3, line 16—after “hearing officer”—to add “in a contested case.” This would clarify the link between the earlier amendment and also make abundantly clear the scope of the bill. The measure passed in the Senate with 17 ayes; Senators Care, Carlton, Horsford, and Titus voted no. There was no fiscal impact identified at the state or local government level.

Assemblyman McCleary:

If I have a burning concern about someone being licensed and I don’t have a financial interest in the licensing procedure, then I don’t have any say—I can’t voice my opinions or concerns—am I reading that correctly?

Susan Scholley:

You could not be a party if it were a contested case. That is not to say that you could not present testimony. The distinction here is between presenting testimony in a hearing as a witness or in some other capacity, versus actually being a party to the proceeding. It would limit, in some instances, participation of persons who might be interested if they didn’t have a direct financial interest.

Assemblyman McCleary:

With that answer, I’m going to have to vote no on this. It doesn’t pass the smell test for me.

Assemblyman Hardy:

In testimony, as I understood it, the person who wants to go to court or wants to sue in this case would have to have some standing in the contesting of this. Someone who is against the licensee, for whatever reason, would still have the ability to testify in the hearing process, even if they were from the general

public. In order to take it to court, you would have to have some standing in the case. That is how I understand it. Is that correct?

Susan Scholley:

Yes. That is generally correct. I think the only thing we want to caution you on is that neither Committee Counsel nor I are precisely sure to what extent, depending on the particular licensing board at issue, there are options for public testimony by persons with some sort of tangential interest. We don't want to overstate that. It would not change that at all. The bill would not affect the extent that people can come in and offer public testimony on the grant or denial of a license in whatever context. The bill would not change that. It would affect who could be a party to the proceeding in a contested case, and by party, that is a person with standing. There are generally some minimal standards for standing anyway.

Assemblyman Goicoechea:

Technically, if you define "contested," I think at that point, you have actually entered into various writs. It is no longer just a public hearing where the testimony is being taken at both sides. At the point it becomes contested, then clearly you have documents being filed on both sides. This would exempt, for example, the Sierra Club or some other group that really didn't have standing—and let's move away from the licensing, like a bar license, and figure some other entity—and would preclude them from coming in and having standing in the administrative appeals, which will probably end up in some court of competent jurisdiction. It is an attempt to narrow down who can play through the administrative process and judicially. I think contested case is where it really moves beyond an open hearing process.

Eileen O'Grady, Committee Counsel, Legislative Counsel Bureau:

Contested case is a defined term for the Administrative Procedure Act (APA), so it is already defined in there.

Assemblyman Hardy:

We've already referenced contested case on line 11, page 2, and in the preface of the act. I think putting that contested case in makes it flow together. I like the suggestion from staff.

Vice Chairwoman Pierce:

Except if it was just a renewal of a license and it didn't get contested, then there would be no hearing, right? The only chance that anyone would get to voice an opinion would be if the renewal was contested. Ms. Scholley, am I to understand what you said earlier is that this doesn't change how much public

comment there is at this administrative proceeding, and that you are not absolutely sure that there is public comment at all administrative proceedings?

Susan Scholley:

The bill does include the grant, denial, or renewal of a license. In my brief summary here, I left out renewal, but the bill does cover granting, renewals, and denials of licensing. Moving to your question about public comment in administrative proceedings, I think the Legislature is familiar with the Open Meeting Law and the concept of public comment and an open mic at the end of the meeting. I'm not terribly familiar with the Nevada APA, so we want to clarify the extent that there is some sort of public comment or public input allowed. Depending on whatever license is at issue, it would not change that. I can't represent that I'm familiar with the 30 or so licensing boards that would be covered by this bill and to what extent they take comment off the street.

You'll recall that the testimony by Mr. Wadhams and the concern that he expressed was relative to competitors in a commercial situation. I think he used the example of Burger King and McDonald's, although he said that was not specific to Burger King and McDonald's.

Assemblywoman Parnell:

I have a concern, reading on page 2, subsection 4. I am assuming that this is the licensee. I need clarification on that. Starting at the end of line 9: "A person must not be admitted as a party to an administrative proceeding in a contested case." That person that is being referred to, is that the licensee? Who is the person who can longer be admitted? I need that to be clearer.

Eileen O'Grady:

That would be the person who is seeking standing. It would be the person who wants to be admitted as a party to the proceeding. They are the person who is coming in and trying to demonstrate that they should be a party to the hearing. That could be the licensee as well.

Vice Chairwoman Pierce:

I'd like to suggest that we have a lot of questions about this and allow Ms. Scholley and Ms. O'Grady go back and get a firmer grip on what we need to know. We'll have no action on this bill for today. The next bill is S.B. 488.

Senate Bill 488 (1st Reprint): Makes various changes concerning adoption of certain rules and regulations affecting business. (BDR 19-1294)

Susan Scholley, Committee Policy Analyst, Legislative Counsel Bureau:

Senate Bill 488 was sponsored by the Senate Committee on Legislative Operations and Elections. It was heard in this Committee on May 10. Senate Bill 488 requires a local government to give trade associations and businesses likely to be affected by a proposed rule an opportunity to submit arguments as to whether the rule will impact the business before adopting the rule. The bill requires that the proposed rule cannot appear on an agenda for action unless a business impact statement is prepared and available to the public when the agenda is posted. You will recall that the word “rule” is defined in the statutes and includes ordinances and other actions taken at the local government level.

This measure also requires a State agency, when holding a workshop or acting upon a regulation, to prepare a statement identifying the methods used by the agency in determining the impact of a proposed regulation on a small business. Testimony in support was given by the Nevada Taxpayers Association, the Retail Association of Nevada, and the National Federation of Independent Businesses, Nevada Chapter. The Cities of Reno and Sparks and the Nevada League of Cities (NLC) supported the bill with the amendments proposed by Nicole Lamboley, on behalf of Reno. The Cities of Las Vegas and Reno proposed amendments, as did David Fraser from the NLC. A proposed mockup is attached ([Exhibit B](#)). The measure passed unanimously in the Senate, with one member excused. There was no fiscal impact.

Turning to the mockup ([Exhibit B](#)), the City of Las Vegas proposed to clarify that the governing body or its designee could take certain of the actions outlined in this chapter. You will see that on line 3, page 1. The proposal by Nicole Lamboley, on behalf of Reno, starts on line 17 on page 1, which was to put a 15-working-day limit on the amount of time in which businesses had to respond to the call for comments from the local government. Mr. Fraser suggested that the 15 days be calculated from notification by the local government, rather than the original version of the amendments—which said “receiving”—since Mr. Fraser pointed out that is hard to know when someone received something.

There is a presumption in the bill that after the 15-day time period, if the governing body does not receive any responses, it may be presumed that there is not an impact. Again, you’ll see on lines 5, 9, and 21, on page 2, the addition of the phrase “designee.” Staff did delete one of the proposed designee additions because it was in a section where, clearly, the governing body would have to take the action.

Assemblywoman Kirkpatrick:

I think this is a good bill. Although it appears that a business impact statement is a very involved thing, it really is not. It is just allowing all of the businesses to get together so we can work together to get an ordinance that works for everybody, including the public.

Vice Chairwoman Pierce:

I still am not comfortable with this. I have no understanding about why we are requiring local governments to do what trade organizations ought to be doing. I'm a no on this.

Assemblyman Goicoechea:

The biggest concern that I have is that there is no real teeth in it. The bottom line is that the government agency is going to come up with the statement that the impact is this much. At that point, there might be some contention between local government and the business as to whether that is a true impact. There is no mechanism to resolve it and no real penalty to the local government if they don't resolve it, as I see it.

Assemblywoman Kirkpatrick:

From my perspective, what happens is that local governments sometimes need to change, for instance, the distance requirements from local taverns in the area. They are required to give public notice for the meeting. Rather than having a five-hour public hearing, the important thing is that the resident is only allowed to come up here, and they never get to rebut anything that is said. Now, everybody is sitting in a work session area, and everybody gets to address their concerns. It is a public hearing. I think, in the long run, it brings different perspectives within one industry. The tavern industry may include a lot of different perspectives. I don't think that it is going to be cumbersome, but it is actually going to help everybody. That is why I perceive it to be a good bill.

Assemblyman Goicoechea:

I don't have a problem with the bill at all; I just don't think that it does much.

Assemblywoman Parnell:

I actually served on this Committee when we passed the first bill recognizing the need for this. I was very pleased to support it then, and I am pleased to continue the effort to increase communication between local government and impact on our local business.

ASSEMBLYWOMAN PARNELL MOVED TO AMEND AND DO PASS
SENATE BILL 488.

ASSEMBLYMAN CHRISTENSEN SECONDED THE MOTION.

THE MOTION CARRIED, WITH ASSEMBLYWOMAN PIERCE
VOTING NO. (Assemblyman Parks was not present for the vote.)

Vice Chairwoman Pierce:

This meeting is adjourned [at 9:12 a.m.].

RESPECTFULLY SUBMITTED:

Paul Partida
Transcribing Attaché

APPROVED BY:

Assemblyman David Parks, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Government Affairs

Date: May 17, 2005

Time of Meeting: 8:17 a.m.

Bill	Exhibit	Witness / Agency	Description
	A	*****	Agenda
	B	Susan Scholley / LCB	Work Session Document