

**MINUTES OF THE  
SENATE COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-third Session  
February 9, 2005**

The Senate Committee on Government Affairs was called to order by Chair Warren B. Hardy at 2:01 p.m. on Wednesday, February 9, 2005, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Warren B. Hardy II, Chair  
Senator Sandra Tiffany, Vice Chair  
Senator William J. Raggio  
Senator Randolph J. Townsend  
Senator Dina Titus  
Senator John Lee

**COMMITTEE MEMBERS ABSENT:**

Senator Terry Care (Excused)

**STAFF MEMBERS PRESENT:**

Catherine Barstad, Committee Secretary  
Tonya Cort, Committee Secretary  
Kim Marsh Guinasso, Committee Counsel  
Susan Hult, Committee Secretary  
Maudie Long, Committee Manager  
Candice Nye, Assistant to Committee Manager  
Michael Stewart, Committee Policy Analyst  
Olivia Lodato, Committee Secretary

**OTHERS PRESENT:**

Anita Laruy, Chair, Nevada Equal Rights Commission  
Lynda Parven, Administrator, Nevada Equal Rights Commission

Chair Hardy opened the meeting as a subcommittee due to the lack of a quorum. He asked if anyone present wished to speak to Senate Bill (S.B.) 11. Chair Hardy stated S.B. 11 had been withdrawn by the sponsor of the bill. He said appropriate action would be taken on the bill as soon as a quorum was formed.

**SENATE BILL 11**: Expands circumstances under which certain officers and employees in smaller counties may permissibly acquire interest in property within redevelopment area. (BDR 22-215)

Chair Hardy stated the first item of business was to adopt the standing rules for the committee, but it would have to wait for a quorum. He introduced the members of the Government Affairs staff. Chair Hardy said he had spoken with Committee Policy Analyst Michael Stewart about the type of briefings the Government Affairs Committee should have and the State agencies that should give briefings to the Committee. He said if the Committee wanted to hear from any State agency, then bring it to his attention and he would have the agency briefings. Chair Hardy said there were several bills on the Open Meeting Law this Session. He said Mr. Stewart had provided copies of the Attorney General's *Nevada Open Meeting Law Manual* for the Committee's use (Exhibit C, original is on file at the Research Library). Chair Hardy asked the Committee to become familiar with the manual, as approximately 14 bills on the Open Meeting Law were proposed for the Committee to hear. He said prior to hearing the bills, he would schedule a briefing.

Chair Hardy referred to the Senate Committee on Government Affairs Rules for the 2005 Session, Exhibit D. He pointed out the Committee standing rules were mostly standard, but he requested cellular telephones be turned off or put on silent mode. He said the Committee would start promptly on time. Chair Hardy stated he wanted the Committee to have an atmosphere where discussion of bills occurred, rather than an adversarial situation. Chair Hardy also requested all testimony be in writing whenever possible. He requested, when possible, testifiers provide any amendments in writing with a name and contact telephone number included in the information. He requested copies of business cards be left with the secretary for the files.

SENATOR TIFFANY MOVED TO ADOPT THE SENATE COMMITTEE ON GOVERNMENT AFFAIRS RULES FOR THE 2005 SESSION.

SENATOR TOWNSEND SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS TITUS AND CARE WERE ABSENT FOR THE VOTE.)

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Chair Hardy said the Committee had one bill draft request (BDR) scheduled for introduction. He said BDR 31-165 had been requested by the State Controller. He said it related to State financial administration making various changes to the payment of the costs and fees associated with collection of debts owed to the State, [Exhibit E](#).

**BILL DRAFT REQUEST 31-165:** Makes various changes relating to collection of debts owed to State. (Later introduced as [Senate Bill 48](#).)

SENATOR TIFFANY MOVED TO INTRODUCE BDR 31-165.

SENATOR TOWNSEND SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS TITUS AND CARE WERE ABSENT FOR THE VOTE.)

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Michael Stewart, Committee Policy Analyst, gave a presentation and overview of the topics the Committee would be studying this Session. Mr. Stewart introduced the Committee Brief, Senate Committee on Government Affairs, February 9, 2005 ([Exhibit F](#), original is on file at the Research Library). He said his paper listed the topics expected to be heard during the 2005 Session. He stated the brief provided contact information for key government officials, set forth a schedule and explained the jurisdiction of the Committee. Mr. Stewart said the jurisdiction included topics such as economic development, tourism, cities and towns, counties, planning and zoning, special districts, public property, purchasing, public borrowing and obligations. He said he included a table that contained the titles within *Nevada Revised Statutes* (NRS) over which the Committee had jurisdiction. He said the jurisdiction of the Committee had been somewhat reduced from past sessions. He said elections, ethics and public employees had been addressed by the Committee, but would no longer be part

of its jurisdiction. Mr. Stewart said the Committee had jurisdiction over 97 chapters in 13 different titles.

Mr. Stewart stated the Committee would probably hear a large number of bills this Session. He said he had also included tables that showed population figures for the counties in Nevada. He wrapped up his presentation of the Committee Brief with an overview of the important dates for actions required by the Committee.

Chair Hardy reminded the Legislators the deadline for individual legislator bill introduction was February 14, and February 28 was the deadline for committee introductions of BDRs.

Chair Hardy requested a motion on S.B. 11.

SENATOR TOWNSEND MOVED TO INDEFINITELY POSTPONE S.B. 11.

SENATOR TIFFANY SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR CARE WAS ABSENT FOR THE VOTE.)

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Chair Hardy opened discussion on S.B. 8. He stated it was an act related to the Nevada Equal Rights Commission.

**SENATE BILL 8**: Revises provisions governing fines imposed by Nevada Equal Rights Commission. (BDR 18-385)

Chair Hardy mentioned three individuals from the Nevada Equal Rights Commission in Las Vegas had signed up to testify on S.B. 8.

Anita Laruy, Chair, Nevada Equal Rights Commission (NERC), stated she was seeking the Committee's support on S.B. 8. She had faxed a written copy of her testimony to the committee, [Exhibit G](#).

Lynda Parven, Administrator, Nevada Equal Rights Commission, said NRS 233.140, section 3, stated, in part, that "The Commission

shall ... formulate and carry out programs of education and disseminate information with the object of discouraging and eliminating any such tensions, prejudices, or discrimination." She said the proposed creation of the NERC education and outreach fund would provide additional funding to expand outreach activities. Ms. Parven said the most-requested training topics were a general overview of the laws enforced by the NERC and the U.S. Equal Employment Opportunity Commission. She said NERC had only imposed and collected fines on three occasions since July 2002, and in all three occasions, the fines were imposed after an employer did not provide the information requested after numerous requests. She stated any monies realized from the fines could be used to inform individuals throughout the State of the services offered by NERC.

Chair Hardy asked Ms. Parven about the due process for individuals called to a hearing. He asked if they were given an opportunity to appear and explain their sides of the situation.

Ms. Parven said the cases would be treated as any contested NRS 233B case. She said the cases would be eligible for judicial review.

Chair Hardy asked if the three cases when fines were imposed were examples of "willfully resists, prevents, impedes or interferes" with the Commission. He asked Ms. Parven if there were regulatory or policy definitions that determined whether a fine was imposed.

Ms. Parven responded the statute set forth the definitions. She stated NERC deferred to the Attorney General's Office to determine if the agency had met the burden that the case had willfully impeded or interfered with the investigation.

Chair Hardy stated he had a concern about a new section in law that indicated NERC would spend the money to educate the public on unlawful discriminatory practices in employment. He said he was concerned those provisions provided an incentive to fine in order to fund a program. He asked Ms. Parven to discuss his concerns.

Ms. Laruy responded it was not the intent of the Commission to impose fines for the benefit of a new program. She said the point of the discussions was to

get the employers to comply with the laws. She said the goal was not so much the education of employers, but to have them comply. She said the threat of a fine of \$5,000 for not providing requested information might help expedite the cases.

Chair Hardy asked if it was an afterthought, as the Commission contemplated the revenue from the proposed fines, to fund an education and outreach program. Ms. Laruy said it was the recommendation of the board to fund the program with the fines and it was incorporated into the BDR.

Chair Hardy asked if the judicial review was the appeal process available for employers. He asked if there was an internal appeal process or if the case went straight to a judicial review. Ms. Laruy affirmed such cases went straight to judicial review.

Senator Raggio stated he had some of the same concerns as Chair Hardy concerning the fine process. He suggested the first offense might be retained at \$500, and the second offense could be subject to a higher fine. He said the ability to levy the fine needed to be done in an equitable manner. He asked if there had been only two or three instances when an employer was fined.

Ms. Parven responded NERC proceeded with fine hearings only three times, due to the small amounts of the fines and the cost-effectiveness of the preparation of the documents and testimony necessary for the hearing. She stated there had been many opportunities to impose the fine, but the Commission had not done so. She said the Commission would adopt regulations concerning the fines. She stated the fine could be up to \$5,000. She said not every fine would be that high, but would be tied to the egregiousness and number of violations that had occurred.

Ms. Laruy stated she agreed with Ms. Parven. She said she believed the first fine could be \$500. If the Commission were allowed to increase the fine for the same company for second, third or fourth offenses, she said it could work out nicely.

Senator Titus suggested instead of a first offense or second offense for a company, the fines be staggered on a monthly basis determined by how long it took to receive the information requested by the Commission.

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Ms. Laruy stated either option suggested by Senator Titus and Senator Raggio was acceptable to the Commission.

Chair Hardy closed the hearing on S.B. 8.

Chair Hardy asked if there were any further recommendations, suggestions or business for the Committee. As there was no further business, he adjourned the meeting at 2:37 p.m.

RESPECTFULLY SUBMITTED:

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Olivia Lodato,  
Committee Secretary

APPROVED BY:

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Senator Warren B. Hardy II, Chair

DATE: \_\_\_\_\_