

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

**Seventy-third Session  
May 30, 2005**

The Senate Committee on Government Affairs was called to order by Chair Warren B. Hardy II at 2:17 p.m. on Monday, May 30, 2005, in Room 2149 of the Legislative Building, Carson City, 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 J. Tiffany, Vice Chair  
Senator Randolph J. Townsend  
Senator Terry Care  
Senator John Lee

**COMMITTEE MEMBERS ABSENT:**

Senator William J. Raggio (Excused)  
Senator Dina Titus (Excused)

**STAFF MEMBERS PRESENT:**

Kim Guinasso, Committee Counsel  
Michael Stewart, Committee Policy Analyst  
Tonya Cort, Committee Secretary

**OTHERS PRESENT:**

Stephanie Garcia-Vause, City of Henderson  
Nicole J. Lamboley, City of Reno  
James F. Nadeau, Nevada Association of Realtors

CHAIR HARDY:

We will open the hearing on Senate Bill (S.B.) 20.

**SENATE BILL 20 (2nd Reprint)**: Makes various changes relating to governing bodies of certain local governments. (BDR 20-682)

Senate Committee on Government Affairs  
May 30, 2005  
Page 2

CHAIR HARDY:

I sponsored this bill, and it is in regard to the Las Vegas Convention and Visitors Authority's representation from the City of Mesquite. The Assembly added an amendment for a charter change to require North Las Vegas to vote in districts. I spoke with Assemblyman Atkinson, who added the amendment, and we now have a compromised amendment. Therefore, we need to not concur on S.B. 20.

SENATOR TIFFANY:

Is any language changing in regard to the Fair and Recreation Board?

CHAIR HARDY:

There is no language change in that regard. The Assembly used the language from Assembly Bill (A.B.) 197 and added it to S.B. 20. The intent is to adopt language to require the city of North Las Vegas to develop a charter commission.

**ASSEMBLY BILL 197 (1st Reprint)**: Revises Charter of City of North Las Vegas concerning election of City Councilmen. (BDR S-278)

SENATOR TOWNSEND MOVED TO NOT CONCUR WITH AMENDMENT NO. 1093 TO S.B. 20.

SENATOR TIFFANY SECONDED THE MOTION.

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

\* \* \* \* \*

CHAIR HARDY:

We will close the hearing on S.B. 20 and open the hearing on S.B. 83.

**SENATE BILL 83 (2nd Reprint)**: Makes various changes relating to conduct of closed meeting by public body to consider character, alleged misconduct, professional competence, or physical or mental health of person. (BDR 19-43)

Senate Committee on Government Affairs  
May 30, 2005  
Page 3

MICHAEL STEWART (Committee Policy Analyst):

Senate Bill 83 was sponsored by Senator Coffin and makes various changes relating to conducting closed meetings by a public body to consider the character, alleged misconduct, professional competence or physical or mental health of a person. The amendment clarifies that a person who is the subject of a closed meeting may have an attorney or other representative present during the closed meeting, and the person may have witnesses present to testify on the matters being discussed in the closed meeting.

CHAIR HARDY:

I have spoken with Senator Coffin, and he is comfortable with the amendment. The amendment clarifies that you can have an attorney present in the closed meeting.

SENATOR TOWNSEND MOVED TO CONCUR WITH AMENDMENT NO. 824 TO S.B. 83.

SENATOR TIFFANY SECONDED THE MOTION.

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

\* \* \* \* \*

CHAIR HARDY:

We will close the hearing on S.B. 83 and open the hearing on S.B. 262.

SENATE BILL 262 (3rd Reprint): Authorizes remedies under certain circumstances if outdoor advertising structures are obstructed by certain highway construction. (BDR 22-1250)

MR. STEWART:

The intent of the amendments to S.B. 262 is to make it clear that actions to mitigate the obstruction of billboards must comply with State and federal law and regulations in applicable governmental agreements. The amendments also recognize that the actions taken must comply with local ordinances regulating billboards, at least to the extent they do not conflict with the provisions of the bill. The provisions regarding the relocation of billboards must be subject to any local ordinances in effect at the time of relocation.

CHAIR HARDY:

It was my understanding that there was unanimous agreement on this bill between both parties.

SENATOR TIFFANY:

If it was decided not to move the billboard, but instead raise it, are you then saying if the billboard is raised higher than the local ordinance would allow, they cannot do it? Would this not be a cheaper solution than relocating the billboard? This bill sounded to me like the local government would not allow any exceptions.

CHAIR HARDY:

My understanding of the bill is that, notwithstanding the ordinance, the government shall authorize the owner of the billboard to adjust the height or the angle of the structure to one that restores the visibility of the structure to the same or a comparable degree of visibility as it had before the construction began. This does not allow the owner of the structure to increase the size of the area of display.

KIM GUINASSO (Committee Counsel):

In section 1, subsection 2, the bill states the action must be consistent with federal and State law and regulations to the extent that the provision does not conflict with local ordinances governing the regulation of the billboard. Therefore, the local ordinances would already specify the location and relocation parameters of the billboard, but the local government would need to authorize a change in the height of the billboard under the provisions of this bill.

SENATOR TIFFANY:

If the height restriction was 50 feet, and the owner of the billboard needed to go to 57 feet in order to not be obstructed by the construction, could the owner increase the height as long as all parties involved agreed?

Ms. GUINASSO:

Yes, he could.

STEPHANIE GARCIA-VAUSE (City of Henderson):

The intent of S.B. 262 was to enable the billboard companies to work with the local jurisdictions through consensus of all parties involved.

SENATOR TIFFANY MOVED TO CONCUR WITH AMENDMENT NO. 907  
AND AMENDMENT NO. 1090 TO S.B. 262.

SENATOR TOWNSEND SECONDED THE MOTION.

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

\*\*\*\*\*

CHAIR HARDY:

We will close the hearing on S.B. 262 and open the hearing on S.B. 267.

SENATE BILL 267 (2nd Reprint): Makes various changes regarding Open  
Meeting Law. (BDR 19-77)

MR. STEWART:

This Committee passed S.B. 267 as a combination of Senator Care and Senator Hardy's bill regarding the Open Meeting Law. The four proposed amendments were as follows: (1) Clarify that supporting materials will be "made available" to the public at the meeting; (2) Restore authority for a public body to hold a closed meeting to consider a person's mental or physical health; (3) Include the chief executive or administrative officers who serve at the pleasure of the public body, such as university or college presidents, city or county managers and school district superintendents within the requirement that meetings to consider character must be open to the public unless the closed meeting is not about the person's role as a chief executive officer; and (4) Allow the chair to make decision to let persons into a closed meeting after the closed meeting begins. There were also amendments to coincide with Senator Coffin's concerns regarding S.B. 83.

SENATOR CARE:

The first amendment was a clarification of the testimony of Ms. Shipman from the Nevada District Attorney's Association. The second amendment was added to make it clear that no one person's mental or physical health would be discussed in the open meeting and to clarify, for the purpose of the Open Meeting Law, this does not include those bodies that do not receive public funds.

Senate Committee on Government Affairs  
May 30, 2005  
Page 6

CHAIR HARDY:

The third amendment represents the intent of the sponsors of S.B. 267.

SENATOR TIFFANY:

Senator Care, do we know the difference between what is defined as public funds and what is not?

SENATOR CARE:

I do not recall the difference defined in terms of the Open Meeting Law.

Ms. GUINASSO:

For purposes of the Open Meeting Law, a term used in the definition of a public body is tax revenue. Therefore, if the entity receives any tax revenue, then the Open Meeting Law would apply.

SENATOR TIFFANY:

Ms. Guinasso, let us say the art center in Las Vegas is built and a portion of the funding received is part of the rental car tax. Would the rental car tax be considered public funds?

Ms. GUINASSO:

If an entity was receiving rental car tax, it would be considered a public body for purposes of the Open Meeting Law. I am a little confused as to the exact question.

CHAIR HARDY:

This question is clear on the construction of the prevailing wage, as this Committee had that discussion on the rental tax. We took out the language that stated the public body must pay prevailing wage, as it is commonly accepted that it does. Therefore, for purposes of the Open Meeting Law, and if the same criteria apply as they do for prevailing wage, it would also apply to rental car tax.

SENATOR TIFFANY:

Ms. Guinasso, do you feel that the definition of public funds is clear in *Nevada Revised Statutes* (NRS) chapter 241?

Senate Committee on Government Affairs  
May 30, 2005  
Page 7

Ms. GUINASSO:

It is clear-cut for the purposes of the way that public body is defined now, if tax revenue encompasses what you want public funds to consist of.

SENATOR TOWNSEND:

Representatives of the Washoe County School District approached me regarding a couple of sections to these amendments. They were questioning section 4, subsection 1, paragraph (b) of S.B. 267, where it states:

(b) A person who is an appointed public officer or who serves at the pleasure of a public body as a chief executive or administrative officer or in a comparable position, including without limitation, a president of a university or community college within the University and Community College System of Nevada, a superintendent of a county school district, a county manager and a city manager.

Washoe County School District had some concern with this portion of the bill.

CHAIR HARDY:

The compromise was the public meeting must be made open to the public unless the closed meeting was not about the person's role as a chief executive officer. This was the language causing their concern. If that is not correct, please have someone come forward from the Washoe County School District and correct that. They had expressed the same concern to me as negotiations were happening in the Assembly.

SENATOR CARE:

There are some people who do not want to have open meetings when their boss is being discussed as to job competence. When this Committee discussed this bill, we made specific reference to school district superintendents and university presidents. They did not like what happened in the Senate, so they went over to the Assembly because this portion of the bill made them feel uneasy. We are going to let the public see how their tax dollars are being used by the people at the highest levels.

CHAIR HARDY:

I know the policy question was clearly answered by this Committee.

Senate Committee on Government Affairs  
May 30, 2005  
Page 8

SENATOR TOWNSEND:

Since no one has come forward from the Washoe County School District today, there must not be that large of a concern with this bill.

SENATOR LEE MOVED TO CONCUR WITH AMENDMENT NO. 1066 TO S.B. 267.

SENATOR TIFFANY SECONDED THE MOTION.

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

\* \* \* \* \*

CHAIR HARDY:

We will close the hearing on S.B. 267 and open discussion on S.B. 302.

[SENATE BILL 302 \(1st Reprint\)](#): Removes limitation on county and recreation board in certain larger counties from engaging in certain transactions involving real property. (BDR 20-1060)

MR. STEWART:

Senate Bill 302 was brought to the Committee by the Washoe County Fair and Recreation Board. This bill repeals the requirement that a fair and recreation board located in a county whose population is 100,000 or more and less than 400,000 obtain the approval of the board of county commissioners before acquiring, leasing, selling or disposing of real property. The amendment to this bill requires the Washoe County Convention and Visitors Authority obtain prior approval of the Washoe County Commission before selling or leasing any land within a city whose population is less than 150,000. This amendment would include the City of Sparks.

CHAIR HARDY:

My understanding was this was a consensus amendment, and I do not see a problem with the amendment. The sponsors of this bill would like to see this Committee not concur for purposes of addressing another consensus amendment.



Senate Committee on Government Affairs  
May 30, 2005  
Page 9

SENATOR TOWNSEND MOVED TO NOT CONCUR WITH AMENDMENT NO. 905 TO S.B. 302.

SENATOR TIFFANY SECONDED THE MOTION.

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

\*\*\*\*\*

CHAIR HARDY:

We will close the hearing on S.B. 302 and open the hearing on S.B. 411.

[SENATE BILL 411 \(2nd Reprint\)](#): Makes various changes relating to local improvements. (BDR 21-1293)

MR. STEWART:

Amendment No. 786 to S.B. 411 requires an ordinance for a local improvement district to give the treasurer the discretion to reduce or waive penalties for late payments.

CHAIR HARDY:

Therefore, the treasurer has the discretion to waive penalties for late payments if, for example, there is a financial hardship. This amendment is a great addition to S.B. 411.

SENATOR TIFFANY MOVED TO CONCUR WITH AMENDMENT NO. 786 TO S.B. 411.

SENATOR TOWNSEND SECONDED THE MOTION.

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

\*\*\*\*\*

CHAIR HARDY:

We will close the hearing on S.B. 411 and open the hearing on S.B. 415.

[SENATE BILL 415 \(1st Reprint\)](#): Authorizes public bodies to hold closed meetings for certain purposes relating to examinations. (BDR 19-100)

MR. STEWART:

Senate Bill 415 deals with closed meetings in relation to examinations. After the hearing at the Assembly, Mr. Rombardo from the Office of the Attorney General clarified that the word "deliberate," as used in NRS 656.090 should be changed to "consider." Therefore, the final amendment repealed the entire section since it was redundant in the bill.

SENATOR TIFFANY MOVED TO CONCUR WITH AMENDMENT NO. 826 TO S.B. 415.

SENATOR TOWNSEND SECONDED THE MOTION.

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

\*\*\*\*\*

CHAIR HARDY:

We will close the hearing on S.B. 415 and open the hearing on S.B. 421.

[SENATE BILL 421 \(2nd Reprint\)](#): Revises certain provisions relating to Open Meeting Law. (BDR 19-99)

MR. STEWART:

Senate Bill 421 relates to the Open Meeting Law in regard to audio recordings and transcripts. The amendment to this bill deleted the inadequate budget exception, so the bill now requires all public bodies to make either audio recordings or transcripts of their meetings. The Senate added a provision to this bill stating that if the public body did not have an adequate budget, they would be exempt. The second amendment requires the Public Employees' Benefits Program to post the transcripts of its meetings on its Web site within 30 days after the meeting, with an exception for closed meetings.

CHAIR HARDY:

Mr. Stewart, what is the reason for the Public Employees' Benefits Program to be singled out?

Senate Committee on Government Affairs  
May 30, 2005  
Page 11

MR. STEWART:

It is my understanding that the Public Employees' Benefits Program uses transcripts for their minutes and notes. There was concern about when these transcripts were made available on their Web site for the public.

CHAIR HARDY:

I do not have a problem removing the inadequate budget exception from this bill.

SENATOR TIFFANY MOVED TO CONCUR WITH AMENDMENT NO. 910  
TO S.B. 421.

SENATOR CARE SECONDED THE MOTION.

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

\* \* \* \* \*

CHAIR HARDY:

We will close the hearing on S.B. 421 and open discussion on S.B. 422.

[SENATE BILL 422 \(2nd Reprint\)](#): Makes various changes relating to regulation of  
businesses and occupations by governing body of local government.  
(BDR 20-533)

MR. STEWART:

Senate Bill 422 authorizes the governing body of a local government to adopt an ordinance requiring a person to obtain a certificate to manage certain hotels, motels and apartment complexes. This bill was brought to the Committee by the City of Reno, and there are two amendments to this bill. The first amendment redefines a property to delete the wording of "three units or more" and substitutes the issuance of a business license as the trigger for requiring a property management certificate from the local government. The second amendment exempts persons with real estate licenses issued under NRS 645 from the requirement to obtain property management certificates.

Senate Committee on Government Affairs  
May 30, 2005  
Page 12

CHAIR HARDY:

Therefore, the Senate exempted them from the provisions of the bill and the Assembly exempted them from the requirement to have the certificate. Is that correct?

NICOLE J. LAMBOLEY (City of Reno):  
We agree with the amendments submitted.

CHAIR HARDY:

Ms. Lamboley, can you define to this Committee what the amendments will do?

MS. LAMBOLEY:

In certain jurisdictions in Reno, we require a business license if you have three units on one parcel; in other jurisdictions, there may be four units on one parcel. In the first amendment, we were trying to match it to the requirements of the local jurisdiction. The second amendment was to further clarify what is required of real estate-licensed individuals.

SENATOR CARE:

When this bill was before our Committee, the difference between a certificate and a license or permit was not clear to me. When someone owns a motel, does the owner himself have to obtain a certificate?

MS. LAMBOLEY:

Whoever applies for the business license would have to demonstrate what the local government determines as a basic knowledge of federal, state and local laws regarding landlord and tenant laws. We are leaving this to the local governments to work with the local industry to craft what that may be. It is tied to the business license, so we can make certain they have a basic knowledge.

CHAIR HARDY:

That was not my recollection. My recollection was we exempted out the owner and it only applied to managers.

MS. LAMBOLEY:

It is tied to the business license, so whoever has the business license has to provide some proof of basic knowledge. It is enabling legislation for the local government to determine, working with the industry, how that would be applied.

Senate Committee on Government Affairs  
May 30, 2005  
Page 13

CHAIR HARDY:

You are correct, Ms. Lamboley. We did decide to leave that decision to the local governments.

JAMES F. NADEAU (Nevada Association of Realtors):

The original language to S.B. 422 was specific to NRS 645. Most licensees go through continuing education, and they need to have met basic requirements, which include instruction in property management. We felt the entire spectrum of brokers and licensees under NRS 645 should be exempt.

CHAIR HARDY:

Does this bill expand the concept of the issues we had talked about in the Senate?

MR. NADEAU:

Absolutely. This would only apply to the owners and operators of motels, hotels or apartment complexes. If the local government is doing this for another licensee, they would be required to get the property management permit under NRS 645.

SENATOR TIFFANY MOVED TO CONCUR WITH AMENDMENT NO. 754  
TO S.B. 422.

SENATOR TOWNSEND SECONDED THE MOTION.

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

\* \* \* \* \*

CHAIR HARDY:

We will close the hearing on S.B. 422 and open the hearing on S.B. 426.

[SENATE BILL 426 \(2nd Reprint\)](#): Revises provisions relating to certain public contracts. (BDR 28-1032)

MR. STEWART:

Senate Bill 426 clarifies that the term "public work" is defined as a project, rather than a building, according to the Nevada System of Higher Education

(NSHE). This bill also states that the annual energy savings from the retrofit of a public building must meet or exceed the total annual contract payments made by the State or local government. Lastly, this bill states that certain documents given to a public body by a bidder on a public work may be transmitted and stored electronically if the transmission ensures that the documents are exclusively accessible to the bidder.

There were four changes proposed to S.B. 426 in Amendment No. 889. The amendment would change the threshold for public works projects of NSHE to those that cost at least \$100,000, instead of those whose costs are paid at least 25 percent by public revenue. The second change adds in Assemblyman Hardy's bill, A.B. 304, on performance contracts for cost-savings measures. The third change clarifies that even if a project or undertaking is not a public work, it must comply with prevailing wage if the project falls within certain categories. The last important change would give the State discretion to approve a change order inconsistent with the standard if failure to approve would be economically unfeasible.

**ASSEMBLY BILL 304 (1st Reprint)**: Revises provisions relating to certain public contracts. (BDR 27-257)

CHAIR HARDY:

I would accept a motion to not concur on S.B. 426, based on the third amendment.

SENATOR TOWNSEND MOVED TO NOT CONCUR WITH AMENDMENT NO. 889 TO S.B. 426.

SENATOR TIFFANY SECONDED THE MOTION.

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

\* \* \* \* \*

CHAIR HARDY:

We will close the hearing on S.B. 426 and open the hearing on S.B. 466. Senate Bill 466 relates to the sale of water rights by local governments.

**SENATE BILL 466 (2nd Reprint)**: Requires certain public bodies to make written determinations before sales or certain leases of their water rights. (BDR 20-1351)

CHAIR HARDY:

As you recall, we passed this bill to the Assembly with some uncertainty. I have been working with former Senator Mark James, and he came up with a suggestion that I am willing to accept. His suggestion will set up requirements that a local government must consider before they sell public water. This has the effect of doing two things. First, this suggestion will make a legislative declaration that we believe the selling of water rights is a serious matter. Second, this suggestion will set up circumstances actionable in court. The local government must prove in court that the sale or lease of the water right is consistent with the prudent, long-term management of the water resources within the jurisdiction of the public body.

I am willing to accept this language as an amendment to this bill, and we will watch to see if there are any abuses of this plan. Therefore, as a sponsor of S.B. 466, I would accept a motion to concur.

SENATOR LEE:

What exactly are we going to be watching for in the future on this bill?

CHAIR HARDY:

In section 2, subsection 1 of the original bill, it stated:

Notwithstanding any other provision of law: (a) A local government may sell or lease a water right only to: (1) another local government; or (2) A public utility engaged in the business of furnishing water for municipal, industrial or domestic purposes.

We have changed section 1, subsection 1 to now state:

Notwithstanding any other provision of law, a public body shall not sell or lease for a term of more than 5 years a water right owned by the public body unless the public body, after holding at least one public hearing at which public comment was solicited, has issued written findings that: (a) The sale or lease of the water right is consistent with the prudent, long-term management of the water

resources within the jurisdiction of the public body; (b) The sale or lease of the water right will not deprive residents and businesses within the jurisdiction of the public body of reasonable access to water resources for growth and development; (c) The sale or lease of the water right is a reasonable means of promoting development and use of the water right; and (d) The means by which the water right is sold or leased reasonably ensures that the public body will receive the actual value of the water right or comparable economic benefits.

In practical terms it is a difficult thing to prove, but this amendment will set up something that is actionable in court.

SENATOR CARE:

Is the five years quoted in the amendment enough time for the lease of a water right?

CHAIR HARDY:

The five years was used specifically to address some unique issues in northern Nevada concerning water rights.

SENATOR TIFFANY MOVED TO CONCUR WITH AMENDMENT NO. 1005 TO S.B. 466.

SENATOR TOWNSEND SECONDED THE MOTION.

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

\* \* \* \* \*

CHAIR HARDY:

We will close the hearing on S.B. 466 and open the discussion on S.B. 467.

[SENATE BILL 467 \(2nd Reprint\)](#): Makes various changes to laws governing public works projects. (BDR 28-816)



MR. STEWART:

Senate Bill 467 makes various changes to provisions relating to public works and contracting. One amendment to this bill clarifies the procedure if no bids are received, raises the minimum cost threshold for design-build projects from \$5 million to \$10 million and requires a public body to approve the use of a design-build team process prior to approving the team or project. The other amendments make a number of minor clarifications and restore some provisions to their pre-bill condition. I would invite the Committee to take a look at these amendments.

CHAIR HARDY:

We should allow Mr. Stewart to do further research on this bill. We will close the hearing on S.B. 467 and open the hearing on S.B. 488.

**SENATE BILL 488 (2nd Reprint)**: Makes various changes concerning adoption of certain rules and regulations affecting business. (BDR 19-1294)

Senate Bill 488 deals with business impact statements and requires a local government, before adopting a rule, to give trade associations and businesses likely to be affected by the proposed rule an opportunity to submit arguments as to whether the rule will impact the business. The amendment requires that the notice of a request for information or data must set forth a deadline of not less than 15 days for response. The amendment also creates a rebuttal presumption that there is no impact if no responses are received. Finally, the amendment adds "or designee" to clarify that the governing body may delegate certain tasks.

CHAIR HARDY:

It is reasonable for the local governments to assume there is minimal impact if no responses are received.

SENATOR CARE:

What is the definition of a governing body's designee? Would it be someone such as a county manager?

CHAIR HARDY:

The governing body's designee could be the county's department of business and licensing manager or someone along those lines.

Senate Committee on Government Affairs  
May 30, 2005  
Page 18

SENATOR TIFFANY MOVED TO CONCUR WITH AMENDMENT NO. 993  
TO S.B. 488.

SENATOR TOWNSEND SECONDED THE MOTION.

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

\*\*\*\*\*

CHAIR HARDY:

We will close the hearing on S.B. 488 and open the hearing on S.B. 235.

[SENATE BILL 235 \(1st Reprint\)](#): Revises provisions relating to procedure for  
dissolution of hospital districts in certain smaller counties. (BDR 40-960)

MR. STEWART:

Senate Bill 235 changes the wording of "property owner" to "qualified elector  
who resides," and this wording is more appropriate when referring to the  
dissolution of hospital districts. The amended section 3, subsection 1 states:

On or before the date fixed for the hearing on the dissolution of a  
hospital district, any qualified elector who resides within the  
hospital district may protest against the dissolution of the hospital  
by filing a written protest with the county clerk of the county in  
which he resides.

CHAIR HARDY:

My understanding is this amendment is accepted by the proponents of this bill.

SENATOR TIFFANY MOVED TO CONCUR WITH AMENDMENT NO. 997  
TO S.B. 235.

SENATOR TOWNSEND SECONDED THE MOTION.

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

\*\*\*\*\*

Senate Committee on Government Affairs  
May 30, 2005  
Page 19

CHAIR HARDY:

We will close the hearing on S.B. 235. There being no other issues before us today, the meeting is adjourned at 2:57 p.m.

RESPECTFULLY SUBMITTED:

---

Tonya Cort,  
Committee Secretary

APPROVED BY:

---

Senator Warren B. Hardy II, Chair

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