

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

**Seventy-Fifth Session  
May 4, 2009**

The Committee on Government Affairs was called to order by Chair Marilyn K. Kirkpatrick at 9:32 a.m. on Monday, May 4, 2009, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/75th2009/committees/](http://www.leg.state.nv.us/75th2009/committees/). In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Marilyn K. Kirkpatrick, Chair  
Assemblyman David P. Bobzien, Vice Chair  
Assemblyman Paul Aizley  
Assemblyman Kelvin Atkinson  
Assemblyman Chad Christensen  
Assemblyman Jerry D. Claborn  
Assemblyman Ed A. Goedhart  
Assemblywoman April Mastroluca  
Assemblyman Harvey J. Munford  
Assemblywoman Peggy Pierce  
Assemblyman James A. Settelmeyer  
Assemblywoman Ellen B. Spiegel  
Assemblyman Lynn D. Stewart  
Assemblywoman Melissa Woodbury

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Senator Mark E. Amodei, Capital Senatorial District  
Senator Valerie Wiener, Clark County Senatorial District No. 3

**STAFF MEMBERS PRESENT:**

Brenda Erdoes, Legislative Counsel  
Scott McKenna, Committee Counsel  
Susan Scholley, Committee Policy Analyst  
Cynthia Carter, Committee Manager  
Michelle Smothers, Committee Secretary  
Olivia Lloyd, Committee Assistant

**OTHERS PRESENT:**

Rusty McAllister, President, Professional Fire Fighters of Nevada,  
Las Vegas, Nevada  
Tom Roberts, Director, Office of Intergovernmental Services, Las Vegas  
Metropolitan Police Department, Las Vegas, Nevada  
Tim Kuzanek, Lieutenant, Washoe County Sheriff's Office, Reno,  
Nevada  
Lee Rowland, Northern Coordinator, American Civil Liberties Union of  
Nevada, Reno, Nevada  
Barry Smith, Executive Director, Nevada Press Association, Inc.,  
Carson City, Nevada  
Cheryl Blomstrom, Blomstrom Consulting, Inc., representing Nevada  
Manufacturers Association, Carson City, Nevada  
Jeanette K. Belz, J.K. Belz & Associates, representing the  
Associated General Contractors, Nevada Chapter, Reno,  
Nevada  
Paul J. Enos, representing Nevada Motor Transport Association,  
Reno, Nevada  
Samantha Stone, Research Associate, Nevada Taxpayers Association,  
Carson City, Nevada  
Patrick T. Sanderson, representing Laborers Local 872, Carson City,  
Nevada  
Luke Andrew Busby, Assistant General Counsel, Public Utilities  
Commission

**Chair Kirkpatrick:**

[Roll called.] We will now open the hearing on Senate Bill 144 (1st Reprint).

**Senate Bill 144 (1st Reprint):** Enacts provisions governing public safety bomb squads. (BDR 42-909)

**Rusty McAllister, President, Professional Fire Fighters of Nevada, Las Vegas, Nevada:**

I will defer to Senator Amodei, who has made his arrival.

**Senator Mark E. Amodei, Capital Senatorial District:**

I am here on behalf of S.B. 144 (1st Reprint). I will speak to you briefly and then turn it over to Rusty McAllister, unless the Committee has questions. Senate Bill 144 (R1) grew out of some gray areas regarding jurisdiction between the public safety folks and, in this instance, Clark County. It brought to light a situation which could happen anywhere in the state.

Part of the reason we had two hearings and three work sessions on the bill was to make sure that everyone had a chance to air out their jurisdictional areas of primary concern. We also wanted to gain a clear understanding of who was in charge of this area, in terms of render-safe procedures, investigation, and public safety, when a suspected explosive device is discovered. It started out as a fairly contentious discussion between those folks, although I think everyone's hearts and minds were in the right place. I want to commend the Sheriff in Clark County, the fire chiefs, and the folks at the Las Vegas Fire Department and the Clark County Fire Department, who put together, for the most part, what you see as S.B. 144 (R1). I will let Mr. McAllister speak, as he is one of the major gatekeepers in those discussions.

We discussed what went on with you. For background, when you look at the chapter this is going into, that chapter has about eight pages total. That is Chapter 476 of the *Nevada Revised Statutes* (NRS). So we do not have a lot of statute on this area, and not that more is better, but it is an area that is ripe and appropriate to visit in terms of this post 9/11 age in talking about explosive devices and certification. And I will stress that this is not micromanagement. This is general guidance to say, you and the locals, or even those in the region, should put together a memorandum of understanding that takes precedence as far as your procedures go. If you do not, then we have a backstop, so we do not ever again hit an area where we have some concern or confusion about who has what jurisdiction or authority. We have deferred in that backstop scenario to the folks who are Federal Bureau of Investigation (FBI) or bomb squad certified, and if there is a better certification that someone is aware of, please feel free to let us know. With that, Madam Chair, knowing that you folks are

having as much fun as we are, now that it is May, I would be happy to stand for questions or turn it over to Mr. McAllister, whatever is the pleasure of the Committee.

**Chair Kirkpatrick:**

Are there any questions? [There were none.] I watched the first hearing and the last hearing, and there was quite a bit difference, so I appreciate you taking that on.

**Senator Amodei:**

Thank you. My new nickname as a result of this chapter is Senator Incendiary, which is nicer than quite a few of the things that I have been called this session already, so I am happy to have it.

**Rusty McAllister:**

We brought this legislation forward through Senator Amodei to do exactly as he addressed. At the time, there were questions and conflicts with regard to jurisdictional situations within southern Nevada. We brought forth the bill just to clarify what designated a public safety bomb squad. We took the national standard and tried to apply it in a statewide manner. During the course of that effort, we had healthy discussions with the law enforcement agencies about how it was going to take place, in both northern and southern Nevada. As Senator Amodei said, prior to this legislation there was nothing in statute, relating to a post 9/11 situation, that designated or clarified what the responsibilities for certain organizations were. We feel that this bill helps clarify that. We worked with law enforcement agencies in both southern and northern Nevada through several work sessions to the point where we went through the bill, section by section, and agreed upon the language that you see before you.

I will briefly walk through the bill with you. The first sections, 1, 2, 3, 4, 5, 6, and 7, are all definitions and refer to two documents, which are the "National Guidelines for Bomb Technicians" and the "National Strategic Plan for U.S. Bomb Squads." These are FBI documents and set the guidelines for how the FBI-accredited bomb squads are to operate. Section 7.5, which is a key provision, clarifies that if there is a memorandum of understanding in a jurisdiction, that will take precedence. Most of the entities now have memorandums of understanding. In the event that a memorandum of understanding is not in place, it will fall back on this as the law. The bill also states for the rural areas that in the event that there is no public safety bomb squad, the sheriff would be responsible.

There are four FBI-accredited bomb squads in the State of Nevada: one in Las Vegas, one in Reno-Washoe County, one in Douglas County in combination with the fire department, sheriff's department, and bomb squad, and one over in Elko that is managed by the police department.

In the counties that do not have bomb squads, the sheriff of that county will be responsible for figuring out what he or she wants to do. They may feel that they could handle the situation or decide they need to call in other resources. In talking to the law enforcement representative from Washoe County, we learned their bomb squad is utilized extensively in other areas such as Pershing County, Churchill County, and Lyon County. In southern Nevada, the bomb squad goes out to Nye County, Lincoln County, and into northern Arizona. That is where the responsibility would lie.

Sections 8, 9, 10, and 11, clarify the responsibilities in such areas as render-safe operations and command. The responders still work under an instant commander. It is still a law enforcement issue, from the standpoint that leaving an explosive device unattended, or putting one someplace, is a criminal offense. So it requires a law enforcement investigation. The responsibility of the public safety bomb squads would be to assist law enforcement in that investigative process, just as part of the team.

Madam Chair, that is about the extent of the bill. It is meant to clarify that in the event of a lack of a memorandum of understanding, this would be the fallback position that we would use as a guideline here in the State of Nevada. I would be happy to answer any questions.

**Assemblywoman Spiegel:**

In section 8, subsection 6, it says, "prepare and participate in a program of training relating to explosives." If a rural county does not feel it has the resources to prepare a training program, but wants to participate, is there a possibility that it could participate in a training program with one of the four counties that have bomb squads?

**Rusty McAllister:**

Yes. The four different bomb squads put on classes in various parts of the state with regard to being accredited as an FBI bomb squad; only the FBI makes that determination. Any entity can apply to be a public safety bomb squad; the FBI, though, do what they call a certificate of need. They will evaluate whether there is a need in that particular location, and if so, they will allow people to go to bomb school. The FBI Bomb School is about four months of training in Redstone, Alabama, where all of our bomb technicians in the State of Nevada go. They will work with the rural counties and set up a level of participation. If

the bomb squad from southern Nevada is going out to Pahrump in Nye County on an incident, they would want to make sure that the Nye County Sheriff's Office was an active participant and knew the procedures. So it is imperative that they work with the rural counties.

**Assemblywoman Mastroluca:**

In section 9, subsection 2, it talks about an airport security program. Can you tell me how many airports in Nevada have security programs similar to that?

**Rusty McAllister:**

It is my understanding that the two major airports, in Reno and Las Vegas, both work under Federal Aviation Administration (FAA) guidelines. I cannot say for sure, but I would assume that the airport in Elko does too, since they have a bomb squad out there, but it would also operate under FAA guidelines and need to have some form of an emergency plan in place. We had conversations with Clark County and McCarran International Airport to clarify what the responsibilities are. They have a plan in place, and this would require us to work within their plan. They have dogs and people there who are trained to at least recognize packages, so in the event that you have something, they could determine whether it was appropriate to call the bomb squad or whether it was just somebody who left a bag. Those are the airports that I feel very confident have plans in place through the FAA.

**Chair Kirkpatrick:**

Does anyone else have any questions? [There were none.] Thank you, Mr. McAllister. I know a lot of hours went into this.

**Tom Roberts, Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department, Las Vegas, Nevada:**

Mr. McAllister is correct in saying this was a bit contentious at the beginning. We sat down, flew some people up, and hashed this thing out in about four hours. We are completely supportive of the bill, as it is written, and the Sheriff is 100 percent behind it.

**Tim Kuzanek, Lieutenant, Washoe County Sherriff's Office, Reno, Nevada:**

We also worked with Rusty McAllister and Tom Roberts on this bill so we could solve problems in southern Nevada while not dramatically affecting things that were occurring in northern Nevada. Since we had that opportunity, we are very comfortable with the bill and are in support of it, as it is written today.

**Chair Kirkpatrick:**

Does anyone have any questions? [There were none.] I will be honest, I was scared when it came over and was not sure if it was fixed yet, so I am glad to

hear that everyone worked on it. Is there anyone else who would like to testify in support of, in opposition to, or neutral on Senate Bill 144 (R1)? [There were none.] Does anyone in Las Vegas want to testify? [There were none.] With that, we will close the hearing on S.B. 144 (R1) and open the hearing on Senate Bill 267.

**Senate Bill 267:** Makes various changes concerning governmental administration. (BDR 18-62)

**Senator Valerie Wiener, Clark County Senatorial District No. 3:**

I am pleased to be before your Committee with Senate Bill 267, which is part three of the trilogy of bills sent over in the past several sessions. I started two sessions ago with a measure that would address our concerns with administrative regulations. We had a lot of work to do, and we accomplished a great deal, at that time. Last session, we did a bit more work, and this session, hopefully, S.B. 267 will be the last measure we need to bring before the Legislature.

This particular bill addresses concerns with administrative regulations and the process, as it engages the agencies and the Legislative Commission and other bodies who deal in the Legislative Branch of government, and then we added some pieces to it. What prompted me to bring this measure before you were concerns over workshops, hearings, and the ability of the public to access documents that were before the agencies that were making those decisions. We started out by making sure at least one copy of materials that was presented before the decision makers would be available to the public for review.

I want to give you a bit of history of how this proceeded this particular session. There was an amendment, which you see before you today, involving organizations affiliated with the University ([Exhibit C](#)). Russell Rowe asked me if I would be willing to entertain an amendment to the bill, and the measure made it through our committee process and came to the floor. There was some confusion over the language of the amendment. Though Mr. Rowe did not have much of an opportunity to clarify it, I made the decision, working with the committee of jurisdiction on the floor, to withdraw the amendment and let the bill come over here clean, without reprint. We would then reengage the amendment when we had the opportunity to talk about it.

Ms. Erdoes and I worked on it with Mr. Rowe. It is an amendment to clarify, with the intent to make certain, that University-related organizations that are not intended for the purpose of working directly with the University foundations, which would require open meetings, have the ability to operate

primarily as a social organization and not be impaired in their ability to gather and have members participating in their social activities. This would include organizations such as student nurses, Hispanics for Community Engagement, or Mr. Rowe's University of Nevada, Las Vegas (UNLV) Alumni Association. So the amendment allows the organizations to do that because they are not there to raise money to keep the University doors open. That is the intent of the amendment. I will let Ms. Erdoes respond to any technical questions you might have regarding administrative rates, as well as open meeting provisions.

**Chair Kirkpatrick:**

Does anyone have any questions? [There were none.] Since the first bill had the Legislature oversee the regulations, it has been a much better process from my perspective. To see that we are addressing the temporary regulations now is even better.

**Senator Wiener:**

If I may add, Madam Chair, when I was first invited, I was privileged to be the Legislator who engaged in this issue. Ms. Erdoes was kind enough to do a bit of research for me two sessions ago about what was happening to our legislation when it went over for regulation development. More than 70 percent of the agencies would process regulations that did not meet legislative intent. When we get our legislative intent on record, we sit there and say, this is the reason I am bringing this measure, and all of us listen very carefully to what a Legislator presents to us as the impetus or the incentive for bringing that measure before our colleagues. I presumed that once we worked a bill through both houses, and we worked out the kinks and it got signed into law, everything went forward according to plan.

What was happening was more than 70 percent, and it could have been closer to 80 percent, of the agencies—and I am not saying in bad faith—did not necessarily follow the intent of the Legislature when it processed and passed that measure. So whatever our purposes for the legislation, it did not necessarily get processed that way. That was a great inspiration for me to get involved with these measures. So this is round three, as I say, and now we are going very deep into making sure we do it right and that the public has access to the process in the most appropriate ways. That is what this bill addresses as well.

**Chair Kirkpatrick:**

Thank you. I know that through the green building measures, we learned exactly how the regulation process works, so I am thankful for these kinds of bills. Ms. Erdoes, there were some questions on the floor about whether the foundation would be exempt. Do you want to clarify that for the record?

**Brenda Erdoes, Legislative Counsel, Legal Division, Legislative Counsel Bureau:**

Yes, Madam Chair. What you need to know is this definition. It is referred to in a number of places throughout the *Nevada Revised Statutes* (NRS). The main one mentioned here is that the foundation is subject to the open meeting law. This would clarify that it applies to just the formal foundation group, rather than any ancillary groups that are associated with the University, such as alumni associations. I believe that is what Mr. Rowe was most concerned about. The open public records law says that the foundation is subject to that requirement; the alumni association, again, would not be. The converse is in the provisions governing the real property transfer tax, from which University foundations are exempt. They get a lot of transfers from states and things like that, so they are exempt from the real property transfer tax; again, this would take out the alumni associations. So this is the reverse of an exemption; it is taking someone out of the application of an exemption. I think those are the primary ones that this would apply to.

**Chair Kirkpatrick:**

Does anyone have any questions? [There were none.]

**Senator Wiener:**

That was the concern registered on the floor when this was in the second reading for approval of the amendment. In a quick read, and based on a cursory look at the bill, some of my colleagues were concerned that it created an exemption for these ancillary groups, and as Ms. Erdoes said, it actually creates the obligation. Right now, because we have not addressed it, they would get the exemption, as part of the umbrella. This would create an obligation for any of these ancillary groups if they were to acquire property on which they would be paying the taxes; as of now, they would not be, unless we made the changes we are proposing.

I urge the Committee's support for the bill as amended. Thank you for your consideration.

**Chair Kirkpatrick:**

Is there anyone who would like to testify in support of Senate Bill 267?

**Lee Rowland, Northern Coordinator, American Civil Liberties Union of Nevada, Reno, Nevada:**

We are here to wholeheartedly support this bill and thank the sponsor for bringing it forward. The sponsor has covered everything that I would say, but I will just add briefly that I think regulations are often overlooked as the rules that govern our lives. Even in my own testimonies before committees this session, very often we are told that the details will be worked out in the regulations, and

there are frequently times when those really are the codes and rules that govern Nevadans' lives. Making sure that the open meeting law applies fully to them is truly important. We thank Senator Wiener, in particular, for putting so much effort into a good government bill. We think it is great and urge its passage.

**Chair Kirkpatrick:**

Does anyone have any questions? [There were none.]

**Barry Smith, Executive Director, Nevada Press Association, Inc., Carson City, Nevada:**

I am also in support of this bill. I just wanted to draw your attention particularly to section 2, on placing the workshops and public hearings under the open meeting law; I think that is something that has absolutely needed to be done. For example, a year and a half ago, a simple clerical error by a workshop, where the address was listed incorrectly, caused one reporter to miss the workshop, but there was no recourse because the Attorney General's Office did not have any jurisdiction under the open meeting law.

**Cheryl Blomstrom, Blomstrom Consulting, Inc., representing the Nevada Manufacturers Association, Carson City, Nevada:**

I want to submit a "me too" for the record. This bill marries the letter of the law to the spirit of the law in a very nice way. We appreciate Senator Wiener's hard work on this issue.

**Jeanette K. Belz, J.K. Belz & Associates, representing Associated General Contractors, Nevada Chapter, Reno, Nevada:**

Yes, Madam Chair, you are right, we were frustrated. By way of background, now that the session is limited to 120 days, the amount of policy that gets relegated to the development of regulations has increased phenomenally. We have noticed that, over time, so many more bills say, work it out in regulation. That is why this has become so important.

I will give you several real life examples of why we did this. First, I cannot tell you how many times I have gone into a hearing or a workshop for the Associated General Contractors of America (AGC), or other clients, with a copy handed to me of a regulation that is still warm, because it has just been photocopied, and that is the first time we have had the chance to see it. So allowing us more time particularly helps folks like me who represent membership organizations.

The second point is that most workshops, I have found, have been publicly noticed. I happened to read in the newspaper about the example Mr. Smith gave earlier. I thought okay, I am going to make sure this is true first. I found

out that the Attorney General said that a workshop was not subject to open meeting laws, and I thought we needed to do something about this. Oftentimes, the very heavy lifting is done in the workshop setting, when you are actually discussing how a regulation is going to get formulated and what the pros and cons are. It was shocking to me that a workshop would not be subject to public notice, so that is why we included that.

The third example, if I could mention one of my personal pet peeves: boards. Very often boards have very thick packets in front of them. I understand absolutely everything is not available to the public, like some of the issues regarding disciplinary actions and so forth, but when, for example, a budget is presented, someone on the board will say, if the members of the board will turn to page 6, or to tab 3, and everyone turns there, and it is a budget. There might be licensees in the audience who do not have the opportunity to see that, and then all of a sudden it is, "I will take a motion," and the board has approved a budget or a fee increase. So it did not seem fair to me that people were not able to see that information. Some boards are better than others because they actually do disseminate information prior to the hearings. I have sat at some hearings, and they have said, until the board actually gets it, it is not public information, so you can get it after the meeting. By then, they have already discussed it, and you have not had the opportunity to react to it. So those are three live examples of why we thought it was so important to shed some more light on some of these proceedings.

**Chair Kirkpatrick:**

Does anyone have any questions? [There were none.] I know there is a subcommittee before the Legislative Commission that looks at the current regulations, and maybe the question is for Ms. Erdoes. If the subcommittee approves the regulations, how do they come back through the Legislative Commission? Does anybody know? I have seen temporary regulations appear overnight, so I just want to make sure they come back to the full Commission.

**Jeanette Belz:**

I am not prepared to answer that; sorry, it is a question for Brenda Erdoes.

**Paul J. Enos, representing Nevada Motor Transport Association, Reno, Nevada:**

We are here today to support Senate Bill 267. We would like to thank Senator Wiener for bringing this measure forward. We have seen a marked change since she started the ball rolling back in 2005. As Ms. Belz stated, there have been prior instances where you feel as if you are flying blind, sitting there in the audience listening to a regulation that is going to be voted on, and you do not have that regulation in front of you. We hope that this will help get

any issues that may be in that regulation, or are being discussed by that board, resolved before it becomes a larger issue. As was previously stated, we think that this will help this review and will help ensure that the regulation complies with both the spirit and the letter of the law, so we do support the bill.

**Chair Kirkpatrick:**

Are there any questions? [There were none.] Is there anyone who would like to testify in support of Senate Bill 267?

**Samantha Stone, Research Associate, Nevada Taxpayers Association, Carson City, Nevada:**

This is a very quick and simple thumbs-up. The taxpayers endorse anything that promotes more openness in the process, and the taxpayers also endorse having the Legislative Body weigh in on regulation, so therefore we support Senator Wiener's effort.

**Patrick T. Sanderson, representing Laborers Local 872, Carson City, Nevada:**

I want to commend the sponsor on this bill. Legislative intent is so important because you can win your battles in the Legislature or you can lose them, and you have to live with it. But when the regulations change the Legislative intent, then it can be really bad, whether you are for it or against it. Regulations rule, and it is nice to see them come back to someone who sees how these bills were meant to be.

**Chair Kirkpatrick:**

Does anyone have any questions? [There were none.] Is there anyone else who would like to testify in support of Senate Bill 267? [There were none.] Is there anyone who is neutral in Las Vegas or Carson City on S.B. 267?

**Luke Andrew Busby, Assistant General Counsel, Public Utilities Commission:**

I am here to point out a small technical issue that we noticed in the bill. In section 1, it removes language which provides that an agency, such as the Public Utilities Commission (PUC), has the option of publishing its notice to adopt, amend, or appeal a regulation within 30 days after delivering the regulation to the Legislative Counsel Bureau (LCB). This bill removes that requirement. It requires the agency to wait until the LCB completes its review process before we can publish our notice. This can be problematic in some cases where the Legislature directs us to adopt regulations within a particular time period, but because we cannot quantify the period of time, we cannot tell the Legislature how long it will take us to implement certain statutory requirements. Please do not interpret this as a criticism, because the LCB typically does a very good job of getting regulations back to us within the 30-day requirement, but we just felt we were obliged to point out this issue.

**Chair Kirkpatrick:**

Are you referring to section 1, subsection 3?

**Luke Busby:**

That is correct.

**Chair Kirkpatrick:**

So what is it that you are asking? I think that the regulations should be approved by the Legislature, and I will give you an example of an issue that we had last session. The Legislature approved the decoupling for natural gas, and that became a year and a half long project. I spent a great deal of time with the LCB trying to get the legislative intent correct. Are you asking to not have the Legislature approve them? I think that the Legislative Commission should have final approval, but I am trying to figure out with which piece you have an exact problem.

**Luke Busby:**

Madam Chair, I am sorry if I was not clear. We do not object to the review process at all. The technical issue that I wish to bring up is only that the PUC cannot tell the Legislature how long it will take us to adopt regulations under this rule, because a variable in the equation of the time is outside of our control. Right now, when we submit a permanent regulation to the LCB for review, if the LCB does not return the regulation to the PUC within 30 days, we can go ahead and publish our notice. Under this new rule, we have to wait until they get back to us, so essentially the ball is in their court.

**Chair Kirkpatrick:**

Some would say that could be a good thing. Is that not the point? People want to be able to see the final regulation before you publish your notice?

**Luke Busby:**

Yes, of course, Madam Chair. It is public throughout that entire process. Whenever we publish the regulation, we do so in newspapers throughout the state. The only issue is that when the Legislature wants us to complete a rule making, say within six months to a year, we cannot guarantee that will occur because of the missing variable in the timing, which is essentially when the regulation is before the LCB for review.

**Chair Kirkpatrick:**

So what would you like it to say? And in what section is it in, because in section 1, subsection 3, it applies to the PUC.

**Luke Busby:**

Madam Chair, we do not have suggestive language and we are not opposed to the bill. We just think it creates a logical problem when the Legislature directs the PUC to implement regulations pursuant to statute, within a certain period of time.

**Chair Kirkpatrick:**

Mr. McKenna, can we work on this later? Maybe Mr. Busby can meet with Mr. McKenna and see exactly where the problem is, because I do not see it. Does anyone have any questions? [There were none.] Is there anyone else who would like to testify in the neutral position or in opposition to Senate Bill 267? [There were none.] Is there any further discussion from the Committee? [There was none.]

With that, we will close the hearing on S.B. 267. Are there any public comments? [There were none.] Is there anything from the Committee? [There was nothing.] With that, we will adjourn until 9:00 a.m. tomorrow.

Meeting adjourned [at 10:14 a.m.]

RESPECTFULLY SUBMITTED:

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Michelle Smothers  
Committee Secretary

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Denise Sins  
Editing Secretary

APPROVED BY:

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Assemblywoman Marilyn K. Kirkpatrick, Chair

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

**EXHIBITS**

**Committee Name:** Committee on Government Affairs

**Date:** May 4, 2009

**Time of Meeting:** 9:32 a.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
S.B. 267	C	Senator Wiener	Proposed Amendment 4759