

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

**Seventy-Fifth Session
May 14, 2009**

The Committee on Government Affairs was called to order by Chair Marilyn K. Kirkpatrick at 9:11 a.m. on Thursday, May 14, 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/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: 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 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

COMMITTEE MEMBERS ABSENT:

Assemblyman Jerry D. Claborn (excused)
Assemblywoman Melissa Woodbury (excused)

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Leslie A. Johnstone, CEBS, Executive Officer, Public Employees' Benefits Program

Chair Kirkpatrick:

[Roll was called.] We have eight bills on work session, so for those of you who are in the audience, Senate Bill 154 will not be heard on work session today and we are not meeting tomorrow. We did receive Senate Bill 408 yesterday, and it is exempt. We will open the hearing on Senate Bill 31 (1st Reprint).

Senate Bill 31 (1st Reprint): Revises provisions governing certain independent contractors with the State. (BDR 27-305)

Susan Scholley, Committee Policy Analyst:

[Read from prepared text ([Exhibit C](#)).] There was an amendment proposed ([Exhibit D](#)). It reinstates the dollar caps that are currently in the Chapter. If you turn to page 2 of the mock-up, you will see that the \$2,000 cap is reinstated for contracts which have to be filed with the Fiscal Analysis Division of the Legislative Counsel Bureau (LCB) and the State Board of Examiners. It also reinstates the caps on the contracts, which may be approved by the clerk or the designee.

Chair Kirkpatrick:

Are there any questions? [There were none.]

ASSEMBLYWOMAN SPIEGEL MOVED TO AMEND AND DO PASS
SENATE BILL 31 (1st REPRINT).

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

Chair Kirkpatrick:

Is there any discussion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMEN CLABORN AND
WOODBURY WERE ABSENT FOR THE VOTE.)

I will give the floor statement to Mr. Munford for S.B. 31 (R1). We will open the hearing on Senate Bill 74 (1st Reprint).

Senate Bill 74 (1st Reprint): Makes various changes relating to assistance to finance housing. (BDR S-699)

Susan Scholley, Committee Policy Analyst:

[Read from prepared text ([Exhibit E](#)).]

Chair Kirkpatrick:

Thank you, Ms. Scholley, can I get a motion?

ASSEMBLYMAN AIZLEY MOVED TO DO PASS
SENATE BILL 74 (1st REPRINT).

ASSEMBLYMAN STEWART SECONDED THE MOTION.

Chair Kirkpatrick:

Is there any discussion? [There was none.] If we do not pass this bill, it will go back to the old way, just for clarification.

THE MOTION PASSED. (ASSEMBLYMEN CLABORN AND
WOODBURY WERE ABSENT FOR THE VOTE.)

I will give the floor statement on S.B. 74 (R1) to Mr. Aizley. We will open the hearing on Senate Bill 92 (1st Reprint).

Senate Bill 92 (1st Reprint): Makes various changes relating to the regulation of notaries public. (BDR 19-414)

Susan Scholley, Committee Policy Analyst:

[Read from prepared text ([Exhibit F](#)).] Senate Bill 92 (1st Reprint) enacts the Electronic Notary Public Authorization Act, which would allow the Secretary of State the notarization of electronic documents by certain notaries. The bill spells out the requirements for becoming an electronic notary, including the training, bonding, taking of an oath, and the term of such notaries. It sets

out which documents may not be notarized electronically and makes it a gross misdemeanor to violate certain provisions. The bill also clarifies that existing laws concerning notaries apply to electronic notaries. [Ms. Scholley continued to read from prepared text ([Exhibit F](#)).]

During the hearing an amendment was considered by the Committee to exclude persons convicted of crimes relating to identity theft or financial dishonesty from consideration to an appointment as a notary. A mock-up of the proposed amendment ([Exhibit G](#)) has been reviewed by the Secretary of State's Office and it is acceptable to them. The pertinent language is on page 14 at lines 13 through 16, where there is a partial listing of the types of crimes which would make a person absolutely ineligible to be appointed as a notary. With respect to other crimes involving moral turpitude, the Secretary of State would have the discretion to appoint those persons as a notary, provided three conditions are met; more than 10 years has elapsed since the crime, their restitution is complete, and their civil rights have been restored.

ASSEMBLYMAN BOBZIEN MOVED TO AMEND AND DO PASS
SENATE BILL 92 (1st REPRINT).

ASSEMBLYWOMAN SPIEGEL SECONDED THE MOTION.

Chair Kirkpatrick:

Is there any discussion?

Assemblyman Christensen:

We were talking about the e-notary and the additions, such as we just went through on pages 13 and 14, regarding certain criminal activity or issues from the past. Does this also affect people who are not connected to e-notary services or someone who wants to go through the notary process? Are we changing all the notary registration qualifications?

Susan Scholley:

Yes, the provisions relating to the appointment of notaries who have been convicted of crimes or crimes of moral turpitude would apply to all notaries, not just electronic notaries.

Chair Kirkpatrick:

Are there any other questions? [There were none.] We tried to address the Committee's concerns, but if you got three DUIs before 1985, that would be considered moral turpitude, so a DUI is different than being a murderer or an identity thief. This gives the Secretary of State's Office the discretion to make

determinations, but absolutely not on the people who have been convicted of taking someone's identity or being fraudulent.

THE MOTION PASSED. (ASSEMBLYMEN CLABORN AND
WOODBURY WERE ABSENT FOR THE VOTE.)

Chair Kirkpatrick:

I will give Mr. Atkinson the floor statement for Senate Bill 92 (1st Reprint). We will now open the hearing on Senate Bill 103 (1st Reprint).

Senate Bill 103 (1st Reprint): Revises provisions relating to the Public Employees' Benefits Program. (BDR 23-422)

Susan Scholley, Committee Policy Analyst:

[Read from prepared text ([Exhibit H](#)).] Senate Bill 103 (1st Reprint) clarifies a number of things relating to the Public Employees' Benefits Program (PEBP), so I will run through them quickly, as they are listed in detail in your exhibit. The bill clarifies existing law that local governments can bring employees into the program, but only if all the employees and their dependents are brought in. There is an exception for particular employees who are excluded based upon their coverage under certain other plans. It also clarifies the grandfathering of certain local government retirees who enrolled in the program before November 30, 2008.

The bill ratifies regulations adopted by PEBP after October 2003, and clarifies the authority of the program to adopt regulations relating to various matters. The bill clarifies that the State Retirees' Health and Welfare Benefits Fund is the appropriate recipient of any funds to offset costs of current and future retirees. The bill provides for the splitting of coverage payments for active employees and dependents. The measure expands the prohibition against proration of any year of service from years of state service, to include years of service with a local government employer.

ASSEMBLYMAN SETTELMAYER MOVED TO DO PASS
SENATE BILL 103 (1st REPRINT).

ASSEMBLYMAN STEWART SECONDED THE MOTION.

Chair Kirkpatrick:

Is there any discussion?

Assemblyman Aizley:

The statement in the last paragraph, "the measure also eliminates the flexible benefits plan for Medicare eligible retirees covered under the program," is not completely accurate.

Chair Kirkpatrick:

What is your thought?

Assemblyman Aizley:

It is optional; it is not mandated.

Chair Kirkpatrick:

Did you want to clarify that, Ms. Johnstone?

Leslie A. Johnstone, CEBS, Executive Officer, Public Employees' Benefits Program:

It modifies the language so that it is optional on the part of the program, and the current language mandates that we provide that option.

Chair Kirkpatrick:

Are there any other questions? [There were none.]

THE MOTION PASSED. (ASSEMBLYMEN CLABORN AND
WOODBURY WERE ABSENT FOR THE VOTE.)

Mr. Aizley, will you speak on the floor statement for S.B. 103 (R1)? We will now open the hearing on Senate Bill 248 (1st Reprint).

Senate Bill 248 (1st Reprint): Authorizes the extension of the validity of certain building permits and development agreements beyond the original expiration date under certain circumstances. (BDR 22-981)

Susan Scholley, Committee Policy Analyst:

[Read from prepared text ([Exhibit I](#)).] An amendment has been proposed ([Exhibit J](#)) as set forth in the attached mock-up, which would limit who may approve the extensions and also clarify what information must be submitted as part of an extension request.

Chair Kirkpatrick:

Is there any discussion?

Assemblywoman Pierce:

We talked about putting a sunset on this, since this is a reaction to the current economic situation, and that maybe four years would be a good idea.

Chair Kirkpatrick:

I do not have a problem with four years because what if we never use it in four years? Then we may not need it. Does anyone else have an issue with four years? Is there any other discussion?

Assemblyman Stewart:

Was the sponsor of the bill in agreement with the amendment?

Chair Kirkpatrick:

Yes, he was. There are some counties that do not have building departments, so they would not have even been qualified to do this, and they are probably the ones who would use it the most with renewables. Mr. Bobzien worked on an amendment that included that "a director of planning or governing body may extend the period," so that depending on how it works in their county, they would be covered. Senator Townsend was fine with it. Is there any other discussion? [There was none.]

ASSEMBLYWOMAN PIERCE MOVED TO AMEND AND DO PASS
SENATE BILL 248 (1st REPRINT).

ASSEMBLYMAN STEWART SECONDED THE MOTION.

Chair Kirkpatrick:

Is there any discussion?

Assemblyman Settlemeyer:

So in essence we are going to state that they have 4 years to apply for a 15-year extension?

Chair Kirkpatrick:

Correct. I know that sounds a bit goofy, but really, within the four years, if they apply, then it works by telling them the rules up front.

THE MOTION PASSED. (ASSEMBLYMEN CLABORN AND
WOODBURY WERE ABSENT FOR THE VOTE.)

Chair Kirkpatrick:

Senate Bill 354 (1st Reprint) was another one that was worked on to clarify some issues, so we will now open the hearing on Senate Bill 354 (1st Reprint).

Senate Bill 354 (1st Reprint): Revises provisions governing land use decisions.
(BDR 22-235)

Susan Scholley, Committee Policy Analyst:

[Read from prepared text ([Exhibit K](#)).] An amendment has been proposed as set forth in the attached mock-up ([Exhibit L](#)). There is also another amendment ([Exhibit M](#)) that has been proposed by Mr. Christensen, and it makes changes to Chapter 278 of *Nevada Revised Statutes* (NRS) relating to the relationship between the appeals in NRS Chapter 278 and the appeals in NRS Chapter 463 relating to certain gaming matters. I would ask that you consider this to be somewhat of a conceptual amendment. There may be other changes in NRS Chapter 278 that are necessary when Legal drafts the final amendment to effectuate the intent, which, by amending NRS Chapter 278 now, is essentially to not inadvertently create new appeal options or rights, with respect to NRS Chapter 463 appeals.

Chair Kirkpatrick:

Is there any discussion?

Assemblyman Bobzien:

I just want to make it clear that the intent of the bill, as amended, would be to deal with this issue of the economic competition outcomes from a given decision that is not enough for a person to be aggrieved, but that otherwise we are simply reverting back to the existing case law on standing as it is.

Chair Kirkpatrick:

Is there any other discussion? [There was none.]

ASSEMBLYMAN CHRISTENSEN MOVED TO AMEND AND DO
PASS SENATE BILL 354 (1st REPRINT).

ASSEMBLYMAN ATKINSON SECONDED THE MOTION.

Chair Kirkpatrick:

Is there any discussion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMEN CLABORN AND
WOODBURY WERE ABSENT FOR THE VOTE.)

Chair Kirkpatrick:

We will open the hearing on Senate Bill 173 (1st Reprint).

Senate Bill 173 (1st Reprint): Provides for the construction of bus turnouts at certain locations in certain counties. (BDR 22-584)

Susan Scholley, Committee Policy Analyst:

[Read from prepared text ([Exhibit N](#)).]

Chair Kirkpatrick:

I spoke with Senator Lee this morning, and Ms. Mastroluca, the Legal Division, and I have done a lot of research on this. There is a discrepancy between the "Question 10" dollars the county believes they are responsible for and what our Legal Division believes that we can make them do. We tend to believe that in Chapter 377 of the *Nevada Revised Statutes* (NRS) we can make them responsible for using "Question 10" dollars to further the bus turnouts. Within the bill in sections 1 and 2, there is no question they have already agreed that can be done. So I talked to Senator Lee about deleting all of section 4, until we have time to work with our Legal Division to determine what the clarification needs to be. Section 4 says the city or county must construct bus turnouts and who will pay for them. We had amendments to split the costs 50/50, or 75/25, so rather than worry about that issue on deadline day, we thought we would just take that whole section out and get the first ten turnouts constructed. Between now and next week, maybe there can be further clarification on who is responsible for it. I always try to make a win-win situation so that everyone gets something.

ASSEMBLYWOMAN MASTROLUCA MOVED TO AMEND AND DO
PASS SENATE BILL 173 (1st REPRINT).

ASSEMBLYWOMAN SPIEGEL SECONDED THE MOTION.

Chair Kirkpatrick:

Is there any further discussion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMEN CLABORN AND
WOODBURY WERE ABSENT FOR THE VOTE.)

Chair Kirkpatrick:

We will open the hearing on Senate Bill 239 (1st Reprint).

Senate Bill 239 (1st Reprint): Provides for greater coordination of Nevada's economic development and workforce development goals. (BDR 18-1080)

Susan Scholley, Committee Policy Analyst:

[Read from work session document ([Exhibit O](#)).] At the hearing Mr. Settelmeyer suggested defining "small business" consistent with some earlier bills this Committee heard, which is 50 or fewer employees and \$5 million or less in gross annual sales. After the hearing, Ms. Gingee Prince, who testified at the hearing, emailed some substantial amendments ([Exhibit P](#)). In your work session notebooks, there is a copy of the proposed amendments along with a two-page summary. It also highlights with reference to the sections that may be more appropriate for rule making or that may be excluded, in her opinion. As you can see, it is rather lengthy. The Legal Division did not have adequate time between yesterday and today to review these amendments.

Ms. Prince also submitted a request, after the hearing, to substitute the Department of Business and Industry in place of the Department of Employment, Training and Rehabilitation (DETR), in terms of overseeing these small business investment credit programs. At this point, there is a proposal to make two amendments to the bill; one would be to substitute the Department of Business and Industry in place of DETR, and the other would be to add a definition of small business consistent with the earlier bills that this Committee has passed out. Then it would be depending upon the review of the Legal Division working with the Chair and consulting with the Committee as to what portion of these proposed amendments would be included, perhaps in a floor amendment on the bill next week.

Chair Kirkpatrick:

I spoke to Senator Horsford last night. He agreed that section 1.7 should go to the Business and Industry Department, and he agreed with Mr. Settelmeyer and his amendment regarding the 50 employees or \$5 million in annual sales. I told him that there was too much information to go over it, that it was a 30-page amendment that we were trying to get through, and we could not do it. He is supportive of it. Is there any other discussion on this? [There was none.] This would allow the Department of Business and Industry to set up regulations; it does not allow anything else at this point.

ASSEMBLYWOMAN PIERCE MOVED TO AMEND AND DO PASS
SENATE BILL 239 (1st REPRINT).

ASSEMBLYMAN SETTELMAYER SECONDED THE MOTION.

Chair Kirkpatrick:

Is there any other discussion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMEN CLABORN AND
WOODBURY WERE ABSENT FOR THE VOTE.)

Chair Kirkpatrick:

That concludes our work session. Is there anything from the public? [There was none.] Is there anything from the Committee?

Assemblyman Stewart:

I just want to thank you for your leadership and fairness in dealing with Committee matters. You have done a marvelous job. I certainly appreciate all that you have done to move things along and that you were always fair and treated everyone equally.

Chair Kirkpatrick:

Thank you, Mr. Stewart, and on behalf of myself, as well as the staff, we appreciate the Committee working as hard as you have and how everyone worked together to make good policy for the state. Policy is the whole reason we are here, so I appreciate that. You have been a great Committee; everyone has worked together and all of our freshmen have done good jobs. It was nice to have a lot of returning members. I hope to be sitting in this seat next session and have all of you back in your chairs. We are going to recess until the call of the Chair. Thank you and have a great day.

[Meeting adjourned behind the bar on May 15, 2009.]

RESPECTFULLY SUBMITTED:

Michelle Smothers
Committee Secretary

Cheryl Williams
Editing Secretary

APPROVED BY:

Assemblywoman Marilyn K. Kirkpatrick, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Government Affairs

Date: May 14, 2009

Time of Meeting: 9:11 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 31 (R1)	C	Susan Scholley	Work session document
S.B. 31 (R1)	D	Susan Scholley	Proposed amendment
S.B. 74 (R1)	E	Susan Scholley	Work session document
S.B.92 (R1)	F	Susan Scholley	Work session document
S.B.92 (R1)	G	Susan Scholley	Mock-up of proposed amendment
S.B. 103 (R1)	H	Susan Scholley	Work session document
S.B. 248 (R1)	I	Susan Scholley	Work session document
S.B. 248 (R1)	J	Susan Scholley	Proposed amendment
S.B. 354 (R1)	K	Susan Scholley	Work session document
S.B. 354 (R1)	L	Susan Scholley	Proposed amendment
S.B. 354 (R1)	M	Susan Scholley	Proposed amendment
S.B. 173 (R1)	N	Susan Scholley	Work session document
S.B. 239 (R1)	O	Susan Scholley	Work session document
S.B. 239 (R1)	P	Gingee Prince	Proposed amendment