

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

**Seventy-Fifth Session
April 9, 2009**

The Committee on Government Affairs was called to order by Chair Marilyn K. Kirkpatrick at 9:37 a.m. on Thursday, April 9, 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 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:

None

STAFF MEMBERS PRESENT:

Susan Scholley, Committee Policy Analyst
Cheryl Williams, Committee Secretary
Olivia Lloyd, Committee Assistant
Cyndie Carter, Committee Manager

OTHERS PRESENT:

Rusty McAllister, representing the Professional Firefighters of Nevada,
Las Vegas, Nevada

Chair Kirkpatrick:

[Roll taken.] We are calling our last Government Affairs Committee meeting to order for this first half of the session. We will start our work session with Assembly Bill 54.

Assembly Bill 54: Authorizes certain counties to require that certain owners and occupants of property connect to a public water or sewer system. (BDR 20-473)

Susan Scholley, Committee Policy Analyst:

[Read bill from work session booklet ([Exhibit C](#)).]

There has been an additional proposed amendment ([Exhibit D](#)) which would delay the effective date of the portion of the bill relating to Washoe County's financial assistance for connections to municipal water and sewer systems until the adoption of a groundwater management plan by Washoe County.

Chair Kirkpatrick:

Is there a motion?

ASSEMBLYMAN SETTELMAYER MOVED TO AMEND AND DO
PASS ASSEMBLY BILL 54.

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

Is there any discussion? I will say this to Washoe County: I met with your entire delegation over this bill. I personally went against my own grain to do

this, but your delegation wants it. The amendment that we agreed to was that there would be a plan for the basins before you started using any of the money. With that, is there any further discussion?

All those in favor say aye. Any opposed?

THE MOTION PASSED UNANIMOUSLY.

Next in the work session booklet is Assembly Bill 60 ([Exhibit E](#)).

Assembly Bill 60: Revises provisions concerning the administration and investment of public money. (BDR 31-453)

Susan Scholley, Committee Policy Analyst:
[Read bill from work session booklet.]

At the second hearing, amendments ([Exhibit F](#)) were proposed as set forth in the attached letter and heard on Tuesday relating to changes to interests in bonding provisions which are needed in connection with implementation of provisions of the American Recovery and Reinvestment Act of 2009, also known as the Federal Stimulus Package.

Chair Kirkpatrick:

I do have a couple of comments. I must have missed this, but I want to make sure that the amendments for the American Recovery and Reinvestment Act are sunsetted to the end of when that provision is supposed to be used. That would be January 1, 2011, so after that they would not have the ability to do that. I know there are still some concerns from the first time that we heard this bill, but somebody can always amend it on the floor. I do not have the language; I do not know what the language should be. Bonding is not my area of expertise, so we can always amend that piece on the floor again. With that, do I have a motion?

ASSEMBLYWOMAN SPIEGEL MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 60.

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

Ms. Spiegel, that includes the amendment that I just added for...

Assemblywoman Spiegel:
Yes.

Chair Kirkpatrick:

Is there any further discussion?

Assemblyman Settlemeyer:

Our leader asked that we express to you that there be some additional protections; we just want to have some checks and balances. That way only one person does not have the power. I am going to vote no on this. I sincerely hope we can get that amendment on the floor. Then I can support this, but for now I will be voting no.

Chair Kirkpatrick:

Is there any other discussion? All those in favor, please say aye. Any opposed?

THE MOTION PASSED. (ASSEMBLYMEN CHRISTENSEN,
GOEDHART, SETTELMAYER, STEWART, AND WOODBURY
VOTED NO.)

If any of you want to work on an amendment for the floor, I will introduce it but I do not know what the amendment should be. We will now move on to Assembly Bill 130.

Assembly Bill 130: Revises provisions governing the approval by a metropolitan police department of negotiated agreements under the Local Government Employee-Management Relations Act. (BDR 22-632)

Susan Scholley, Committee Policy Analyst:

[Read bill from work session booklet ([Exhibit G](#)) and amendment ([Exhibit H](#)).]

The changes essentially substitute for the original language in the bill the requirement that representatives of the committee serve a minimum term of two years unless removed for cause.

Chair Kirkpatrick:

Is there any discussion?

Assemblyman Settlemeyer:

Who determines to remove them "for cause by a majority vote by members of the committee? Of what committee?" Is it the County Commissioners?

Chair Kirkpatrick:

I believe that this section only affects the Metropolitan Police Department in Clark County. Ms. Scholley, do you have an answer on who would determine that?

Susan Scholley:

It is the police financial committee that is set forth in the statutes.

Assemblyman Settlemeyer:

So, it would be the people who appointed them.

Chair Kirkpatrick:

Is there any other discussion? Do I have a motion?

ASSEMBLYMAN AIZLEY MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 130.

ASSEMBLYWOMAN MASTROLUCA SECONDED THE MOTION.

Is there any further discussion? All those in favor, please say aye.
Any opposed?

THE MOTION PASSED UNANIMOUSLY.

We will move on to Assembly Bill 192.

Assembly Bill 192: Revises provisions governing certain performance contracts
for operating cost-savings measures. (BDR 27-245)

[The Chair hands the gavel to the Vice Chair]

Susan Scholley, Committee Policy Analyst:

[Read bill from work session booklet ([Exhibit I](#)).]

The major changes in the amendments ([Exhibit J](#)) remove the appeal procedures that were sent forth in section 4 to appeal the denial of qualification. It also adds a catchall criterion that the local governments may set for the contracts to deal with unique situations. In section 16 of the bill, the amendment would remove the requirement that payments be reduced on the installment contracts under certain circumstances, and it adds a reporting requirement for local governments with respect to performance contracts.

Vice Chair Bobzien:

Do we have a motion?

ASSEMBLYWOMAN SPIEGEL MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 192.

ASSEMBLYWOMAN PIERCE SECONDED THE MOTION.

Is there any other discussion?

Assemblywoman Kirkpatrick:

I met with Mr. Swendseid about section 16; remember, there was concern. He said it would be much harder for people to bond; they could still do it, but if you are trying to open up the industry, I did not want to go backwards. Regarding the appeals process, I worked with several of the folks on making the rest of the bill a better process so that they did not necessarily need that appeals procedure.

Vice Chair Bobzien:

Is there any other discussion? All those in favor please say aye. Any opposed?

THE MOTION PASSED UNANIMOUSLY.

[The Vice Chair passes the gavel back to the Chair]

Chair Kirkpatrick:

We are now at Assembly Bill 225.

[Assembly Bill 225:](#) Revises certain provisions relating to county fire departments. (BDR 20-908)

Susan Scholley, Committee Policy Analyst:

[Read bill from work session booklet ([Exhibit K](#)).]

An amendment has been proposed as set forth in the attached mock-up ([Exhibit L](#)) which is essentially a reporting requirement as set forth in section 3.

Chair Kirkpatrick:

Ms. Pierce, do you have any discussion?

Assemblywoman Pierce:

Yes, we are going to put an additional amendment on this besides the reporting requirement, and that is that there be a 25 percent cap on the number

of pickups that the fire departments can do. So there are two parts to that amendment. Are there any questions?

Assemblyman Christensen:

I was just taking some notes. Could you please say that again?

Assemblywoman Pierce:

Yes, it was a 25 percent cap, because that addresses some of the discomfort from yesterday that the fire department was going to go into competition with the private enterprise, and this gave them some leeway. This puts a cap on it so that they cannot go above that. It is the same as what they have in other local governments.

Assemblyman Christensen:

That was my concern. Can you tell me what that 25 percent represents once again?

Assemblywoman Pierce:

It is the number of transports that they can make in terms of all the transports.

Assemblyman Christensen:

Got it, thank you.

Assemblyman Munford:

So they cannot exceed 25 percent of transports?

Assemblywoman Pierce:

No, they cannot.

Assemblyman Munford:

They will probably have that much leeway.

Assemblywoman Pierce:

I am pretty sure that they will never get there, but that should comfort people who were worried about the fire department going into competition.

Assemblywoman Spiegel:

Would it be possible for a fire department to go over that cap in an emergency situation, like if the private sector provider had a strike or something?

Assemblywoman Pierce:

Well, I would not be opposed to...

Chair Kirkpatrick:

We might have the ability between now and the Senate side to address some of those concerns. We self-imposed a deadline in Government Affairs today, and we are not meeting tomorrow, so we could work with the interested parties to try to find a balance. We can ask those questions when the amendment comes out and by the time it gets to the floor.

Assemblyman Aizley:

I would just suggest if you put a 25 percent per something, that it be a monthly, weekly, or daily report. I think daily would be pretty much impossible to do, but maybe they could do it monthly.

Assemblywoman Pierce:

I think that the report we are going to get back in two years will give us all the data we need.

Chair Kirkpatrick:

Mr. McAllister, can I ask you to please come up and explain how it works in the city so that we are somewhat consistent and there is parity.

Rusty McAllister, representing the Professional Firefighters of Nevada, Las Vegas, Nevada:

In the City of Las Vegas, which does have transport capabilities, there was a commitment 11 years ago to a plan laid out in front of the City Council by the fire chief. That plan said that we would attempt to work our way towards 25 percent of the total available transports that were performed by the private ambulance company each year. At this point, 11 years later, we are right at that 25 percent mark. The private ambulance company transports 3,180 patients a month and we transport about 1,000 a month. We are right at the 25 percent mark. The goal was that you could not exceed 25 percent of the available transports from the previous year's statistics from the ambulance company. As an example, last year in Clark County the two private ambulance companies that transport in that jurisdiction did a little over 61,000 medical transports. You would use that as your baseline number. Each year it would reset based on the number of available transports in the jurisdiction. Does that explain it?

Chair Kirkpatrick:

I think that addresses their concerns.

Assemblyman Christensen:

A quick question for Mr. McAllister. Is it the first unit on the scene that determines who transports? I am just trying to get my arms around that 25 percent.

Rusty McAllister:

No, it is not the first on scene; both units respond. Within the City of Las Vegas jurisdiction we have worked hand in hand with the private ambulance company to come up with a formula that works better in determining categories of calls. Yesterday they mentioned we pick and choose calls. That is an agreed upon arrangement that we worked out with their management, with Mr. Wilson, that the City of Las Vegas responds to all auto accidents. The private ambulance company does not have to. We have taken that segment of the calls; we respond with a rescue vehicle and an engine because it provides four extra sets of hands and all the extraction equipment. The private ambulance company does not have to staff for that, and they do not have to worry about this segment of the calls, so it is not a first arrival type of thing. On the other calls, if we arrive first and the patient is critical and the private ambulance company has not arrived yet, then we will transport that patient. We are not going to sit around and wait for a delayed response. Typically they arrive within the allotted amount of time. If the patient is not critical, they will take the transport even if we arrive first.

Assemblyman Christensen:

I appreciate that, thank you.

Chair Kirkpatrick:

I do not think we have any other questions.

Assemblyman Stewart:

If we base this on a certain period of time and we find at the end of the time that you have actually gone to 30 percent because of emergencies, would there be a method of adjusting that?

Rusty McAllister:

By means of adjustment...

Assemblyman Stewart:

Would you agree to take fewer transports to have it balance out for the year or whatever period we do this in?

Rusty McAllister:

I do not have a problem with that. Would it be unfair, though, if a private ambulance company went on strike, and we were mandated because of an emergency, and then we get penalized the next year because they went on strike? I am not sure that this is a very fair situation either. The 25 percent that we offered was to help the other side, and some of the members of this Committee, feel more comfortable with what we were talking about. Number one, it mirrors the language which the City of Las Vegas already has, and number two, the Clark County Fire Department has no desire or ability to do that at this point, or even a year or five years from now. They are extremely short-staffed.

Assemblyman Stewart:

I was not referring to a strike. Say at the end of a reporting period there is an emergency like a fire (heaven forbid) in one of the hotels again, and you went way over the 25 percent, would you be agreeable to adjusting the following period to make up for that?

Chair Kirkpatrick:

I think that Mr. Stewart does make a good point. In the reporting mechanism, could you just let us know if there is some catastrophic event? Say, for instance, one of the hotels caught fire; they could come back and say that you were 50 percent over because of some catastrophic event. So maybe in the reporting mechanism you can tell us if it was usual.

Rusty McAllister:

Madam Chair, absolutely, we have no problem with that whatsoever. If you start thinking about 61,000 transports in the Clark County jurisdiction, to exceed 25 percent we would have to do over 15,000 transports, and that is not even a remote possibility even in an emergency. If we transported a whole hotel worth of people, it would be 1,000. If that makes everyone feel comfortable, absolutely.

Chair Kirkpatrick:

Is there any further discussion?

Assemblyman Stewart:

Is there any way we could do a sunset on this or a reporting period where if it is not working we could adjust it?

Chair Kirkpatrick:

I do have them reporting back next session. We will be reviewing what transpired next session.

Assemblyman Stewart:

I am going to vote yes, but I hold the right to reverse that vote on the floor.

Chair Kirkpatrick:

Okay, that is fine. Is there a motion?

ASSEMBLYWOMAN MASTROLUCA MOVED TO AMEND AND DO
PASS ASSEMBLY BILL 225.

Does that motion include both amendments?

Assemblywoman Mastroluca:

Yes.

Chair Kirkpatrick:

There is a motion to Amend and Do Pass; is there a second?

ASSEMBLYMAN CLABORN SECONDED THE MOTION.

Is there any further discussion?

Assemblyman Christensen:

This is a topic that I am familiar with personally. I understand the value of the amendment. I am going to vote yes; I just wanted to state this for both sides to understand. This bill came up pretty fast. I have tried to talk to both sides and want to, of course, reserve my right to change if I understand it differently, but my vote is going to be yes because I know that the fire department has had a hard time keeping on budget and has had to cut back on a lot of its emergency equipment. Hopefully we will be able to figure this one out.

Chair Kirkpatrick:

Is there any further discussion? All those in favor, please say aye. Any opposed?

THE MOTION PASSED. (ASSEMBLYMEN GOEDHART AND
SETTELMAYER VOTED NO. ASSEMBLYMEN CHRISTENSEN AND
STEWART RESERVED THE RIGHT TO CHANGE THEIR VOTES ON
THE FLOOR.]

We will now move on to Assembly Bill 331.

[Assembly Bill 331](#): Provides for the appointment of a Business Ombudsman.
(BDR 18-1082)

Susan Scholley, Committee Policy Analyst:
[Read bill from work session booklet ([Exhibit M](#)).]

Proposed amendments ([Exhibit N](#)) by the sponsor are set forth in the attached mock-up. I think it is fair to characterize the amendment as limiting the Business Ombudsman to small businesses, which is defined in the bill mock-up at the bottom of page 2, lines 40 through 45.

Chair Kirkpatrick:

Is there any discussion? Mr. Settelmeyer and I worked in yet another committee to make some pretty consistent language on small businesses so that we set a precedent within the *Nevada Revised Statutes*. So, that is why you see the 50 or fewer employees and the \$5 million. Currently small business is determined all over the board, so in Nevada we thought we would like to define it somewhat. Is there a motion?

ASSEMBLYMAN CLABORN MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 331.

ASSEMBLYMAN GOEDHART SECONDED THE MOTION.

Is there any further discussion? All those in favor, please say aye. Any opposed?

THE MOTION PASSED UNANIMOUSLY.

We will now move to Assembly Bill 66.

Assembly Bill 66: Authorizes the governing body of a city to adopt an ordinance requiring the registration of vacant dwellings and buildings.
(BDR 21-401)

Susan Scholley, Committee Policy Analyst:

Assembly Bill 66 was sponsored by the Assembly Committee on Government Affairs on behalf of the City of Reno, and heard in this Committee on February 5, 2009. Amendments ([Exhibit O](#)) have been proposed subsequent to the hearing as set forth in the mock-up you see before you. The new language is in green and essentially exempts folks who are making a bona fide effort to sell or lease the building from being subject to registration; the amendment provides a definition of "bona fide." It also limits any fee collected by the government entity to be directed to local nuisance abatement programs, and in subsection 7 it exempts single family residences from the definition of vacant

dwelling or building. This bill applies to the registration of vacant dwellings or buildings.

Chair Kirkpatrick:

Is there any discussion? Is there a motion? I do not see a motion, so I am going to pull this back, and I am not sure it will come back.

We will move on to Assembly Bill 395.

Assembly Bill 395: Provides for workplace relations discussions and agreements for certain state employees. (BDR 23-1020)

Susan Scholley, Committee Policy Analyst:

[Read bill from work session booklet ([Exhibit P](#)).]

I have provided here the statutory reference to the Personnel Commission for reference.

Chair Kirkpatrick:

Let me say for the Committee this was a 48-page bill, so we honestly did not have time to put it in mock-up form, but I will give everyone a copy of the amendment before I turn it in to the floor, because I think it is important to see it in amendment form. Rather than give you a misconception of what it says, I made a commitment to the Committee to let everybody see the amendment before it is reported out to the floor.

Is there any discussion? Do I have a motion?

ASSEMBLYMAN AIZLEY MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 395.

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

Is there any further discussion? All those in favor, please say aye.
Any opposed?

THE MOTION PASSED. (ASSEMBLYMEN CHRISTENSEN,
GOEDHART, SETTELMAYER, STEWART, AND WOODBURY
VOTED NO.)

We will now move on to Assembly Bill 409.

Assembly Bill 409: Makes various changes concerning the Local Government Employee-Management Relations Board. (BDR 23-1048)

Susan Scholley, Committee Policy Analyst:

[Read bill from work session booklet ([Exhibit Q](#)).]

[Read proposed conceptual amendments ([Exhibit R](#)) and ([Exhibit S](#)).]

Chair Kirkpatrick:

For the Committee I asked the bill sponsor to clean some of the language up before we rerefer it to Ways and Means because I do not feel it is fair to send everything to Ways and Means in a mess. Since this was also a very large bill and it changes the entire process, I am willing to make a motion to rerefer it to Ways and Means.

ASSEMBLYMAN ATKINSON MOVED TO AMEND AND DO PASS
AND REREFER TO WAYS AND MEANS ASSEMBLY BILL 409.

ASSEMBLYMAN CLABORN SECONDED THE MOTION.

Is there any further discussion? All those in favor, please say aye.
Any opposed?

THE MOTION PASSED UNANIMOUSLY.

We will now move on to Assembly Bill 451.

Assembly Bill 451: Establishes a program for the issuance of state obligations to provide venture capital to certain minority-owned businesses in this State. (BDR 30-613)

Susan Scholley, Committee Policy Analyst:

[Read bill from work session booklet ([Exhibit T](#)).]

As you all heard yesterday the sponsor in conjunction with the State Treasurer proposed conceptual amendments ([Exhibit U](#)) which are attached to your cover sheet.

In addition, an amendment has been proposed consistent with the amendment just made to Assembly Bill 331 to include a limit of \$5 million in sales within the definition of "small business."

Chair Kirkpatrick:

I have a motion by Ms. Spiegel.

ASSEMBLYWOMAN SPIEGEL MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 451.

ASSEMBLYMAN SETTELMAYER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

We now move on to Assembly Bill 463.

Assembly Bill 463: Restricts a department, division or other agency of this State or a local government from employing a person as a consultant. (BDR 23-1057)

Susan Scholley, Committee Policy Analyst:

[Read bill from work session booklet ([Exhibit V](#)) and amendment ([Exhibit W](#)).]

Looking at the mock-up you will see that the sponsor has conceptually proposed exemptions for the State Public Works Board, the Nevada Department of Transportation (NDOT), and the Nevada System of Higher Education and boards or commissions of the state.

Also, the requirement for Interim Finance Committee approval has been deleted with respect to any and all governmental entities. There is a reporting requirement that has been included with respect to state agencies on the use of consultants. Also, as presented at the hearing, a cooling-off period is increased to two years, and the institutions within the Nevada System of Higher Education have been included within the reporting requirement applicable to the school districts of the state.

Also from the hearing, a proposal to add the length of time a consultant was employed has been incorporated into the mock-up, again, with the understanding that there would be additional refinements relating to definitions and that sort of thing as to the issues raised at the hearing.

Chair Kirkpatrick:

For the Committee, one of the big concerns is, if there are currently 800 employees who fit within this mechanism and we are in a state hiring freeze, what does this mean? The bill sponsor needs time to look in detail at the staffing issues, how they hire the temporary staff, and how all that works, so she has asked for an amend and do pass so it is somewhat better, but

knowing that she has a lot of work to do. And with 800 employees who are potentially in this position, that could be a huge headache for the state. Do I have a motion?

ASSEMBLYWOMAN PIERCE MOVED TO AMEND AND DO PASS
AND REREFER TO WAYS AND MEANS ASSEMBLY BILL 463.

ASSEMBLYMAN CLABORN SECONDED THE MOTION.

Is there any further discussion?

Assemblyman Settlemeyer:

The bill is great. I like every concept in the bill but one, and that is the concept of the two-year cooling-off period. I feel that situations may occur where somebody's health is bad, and we discussed this in the Committee. I will be voting no on it today because of the cooling-off period; other than that I love the bill.

Chair Kirkpatrick:

That is fine, and you may have time to work with the bill sponsor. There is a motion on the floor by Ms. Pierce.

Assemblyman Stewart:

When we had the hearing I know some of the departments were concerned about this, and we have exempted a large number. I know we cannot exempt them all, but have all those who have a serious problem with it been exempted?

Chair Kirkpatrick:

From what I understand, yes, and they have only been required to report.

Assemblyman Aizley:

There was some discussion of a need for a definition of consultant. There are people who work on contracts but they are not consultants. I do not see the definition of consultant referred to here.

Chair Kirkpatrick:

I believe that is one of the reasons we are sending it to Ways and Means, because if there are 800 employees involved, we need to make very sure what we are looking for. I know that Legal is working on that definition, but depending on what agency you work for, the consultant could be something different. I know that they are really trying to define that. That is why the sponsors asked that the bill go to Ways and Means, so that is very clear.

Is there any further discussion? All those in favor, please say aye. Any opposed?

THE MOTION PASSED. (ASSEMBLYMEN GOEDHART AND SETTELMAYER VOTED NO.)

We now will move on to Assembly Bill 508.

Assembly Bill 508: Revises provisions governing the development of low-income housing. (BDR 25-1113)

Susan Scholley, Committee Policy Analyst:

[Read bill from work session booklet ([Exhibit X](#)).]

If I may summarize the proposed Amendment No. 4114 to A.B. 508 ([Exhibit Y](#)), it extends the reversion indefinitely of certain funds related to employer-assisted housing.

Chair Kirkpatrick:

Is there any discussion? Can I have a motion?

ASSEMBLYWOMAN PIERCE MOVED TO AMEND AND DO PASS ASSEMBLY BILL 508.

ASSEMBLYMAN MUNFORD SECONDED THE MOTION.

Is there any further discussion? All those in favor, please say aye. Any opposed?

THE MOTION PASSED UNANIMOUSLY.

We are now going to Assembly Bill 220, which is not in your work session booklet. As of 7:30 this morning the school district and the homebuilders within the Washoe County area came to an agreement about this piece, and in Clark County we do not have quite the same issue, so that portion was exempted. Ms. Scholley will go through the amendment ([Exhibit Z](#)).

Assembly Bill 220: Makes various changes regarding the purchase of property for school construction. (BDR 22-551)

Susan Scholley, Committee Policy Analyst:

Assembly Bill 220 was sponsored by Assemblywoman Debbie Smith and was heard in this Committee on March 12, 2009, and relates to changing provisions

relating to the purchase of a school site from a subdivider in connection with a new subdivision. The amendments as set forth in the proposed mock-up relate primarily to separating out Washoe County from the existing provisions. On page 2 of the mock-up, subsection 6 relates only to Washoe County and sets forth provisions relating to the negotiations and purchase of the site.

There is also a change, and if I do not get this right I will let Washoe County or the Builders Association of Northern Nevada correct me. I understand that instead of the price being set at the time of an agreement for the purchase of the site, the price would be set at the time of the agreement and the purchase of the site. I am seeing a nod from the two members of the audience who are on part of the amendment, and so I believe I stated that correctly. If there are any questions, I think it would be best to have them answer them.

Chair Kirkpatrick:

Is there any discussion? Once the final amendment comes out, I will make sure that the Committee gets a piece of it. As I said, as of 7:30 this morning it was not going to be heard. In the interest that they worked it out, I am somewhat comfortable with it. Do I have a motion?

ASSEMBLYMAN BOBZIEN MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 220.

ASSEMBLYWOMAN PIERCE SECONDED THE MOTION.

Is there any discussion? All those in favor, please say aye. Any opposed?

THE MOTION PASSED UNANIMOUSLY.

We need about five minutes on Assembly Bill 467 ([Exhibit AA](#)) because Legal has been working on it most of the night. We just want to make sure that it is clear. This bill is hot off the presses.

We will take a 10-minute recess.

[Committee reconvened after recess.]

[Assembly Bill 467](#): Makes various changes relating to the prevailing wage requirements. (BDR 28-910)

Susan Scholley, Committee Policy Analyst:

[Read bill from work session booklet ([Exhibit AA](#)).]

The proposed amendment has just been handed to you ([Exhibit AB](#)) and as you can see, there is a lot of purple ink, deletions. Mr. Bobzien informs me there are 17 pages' worth. Regarding the critical changes on page 18 of the bill, the concept there relates to what I call nontraditional public works projects, those public works projects which in various chapters have been deemed to be public works, although a public body is not a party to the contract, but the project is being built with public money or based on public funding in some way. So rather than trying to put references back in these various chapters—referring back to Chapter 338 of the *Nevada Revised Statutes* (NRS) and deeming these projects a public works—the idea here is, as you can see in section 20.5, the new language on page 18 would provide in NRS Chapter 338 a provision addressing specifically these nontraditional public works projects, and that it also providing in NRS Chapter 338 for the enforcement of prevailing wage as to those projects, thus making the process much simpler and actually putting the concept in the public works chapter itself. This is the concept in a nutshell.

There are four sections, however, left in the mock-up that relate to lease-purchase agreements where standardized language is used relating to the applicability of prevailing wage provisions. This will need to be worked out perhaps a little more. I know that folks have not had a lot of time to see it, and the sponsor would like some time to try to work out some additional details with the Labor Commission to the extent that is possible. With that I would be happy to answer simple questions.

Chair Kirkpatrick:

Is there any discussion?

Assemblyman Claborn:

I handled prevailing wage and contract compliance for 24 years with the Operating Engineers. This bill will eliminate 99 percent of the problems that we have, bickering and whatnot over public works jobs. I think this is the best thing since ice cream to eliminate problems.

Chair Kirkpatrick:

Is there any other discussion?

Assemblyman Settlemeyer:

I am still uncomfortable with the bill at this time. I will keep rereading it. Maybe I will vote yes later, but at this time I will be voting no.

Chair Kirkpatrick:

And that is fine; I will tell you that working with the Labor Commissioner over the last year and a half, lease-purchase was the original piece of this bill, which

was agreed to in a nonpartisan fashion. It died a slow death, but we worked with the Labor Commissioner so that when things come to him, he has a clear idea of how the enforcement works. That is why I still think it needs a little finessing.

Assemblywoman Woodbury:

I feel the same, Madam Chair. I am going to vote no, but after I have had time to digest the amendment and see what other things are worked out, then I may change my vote.

Assemblyman Goedhart:

I will be voting against the bill this morning.

Chair Kirkpatrick:

Okay, and with that I will take a motion.

ASSEMBLYMAN CLABORN MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 467.

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

Is there any further discussion? All those in favor, please say aye. Any opposed?

THE MOTION PASSED. (ASSEMBLYMEN GOEDHART, SETTELMAYER, AND WOODBURY VOTED NO. ASSEMBLYMEN SETTELMAYER AND WOODBURY RESERVED THE RIGHT TO CHANGE THEIR VOTES ON THE FLOOR.)

Is there anything from the Committee? [There were none.] We are going to recess until the call of the Chair and hopefully we will not have to come in here, just in case there is an emergency. More than likely, tomorrow on the floor, we will close behind the bar. As far I am concerned, we have done our work and we are finished.

Assemblyman Bobzien:

I would just like to congratulate you and the staff, Ms. Scholley, Mr. McKenna, all the staff, and everyone I know who has been working really, really hard doing these documents, getting these bills wrapped up.

Chair Kirkpatrick:

Thank you, but let me tell you that without everyone in this room showing up on time and being part of the process, it could not have gotten finished. So I appreciate you all as well.

Assemblyman Christensen:

I just wanted to say the same. I have a great amount of respect for you and the others on the Committee, and it has been a great, wild ride so far. Thanks for all you do.

Chair Kirkpatrick:

With that we will and recess until the call of the Chair.

Meeting recessed [at 10:57 a.m.]

[Meeting called back to order on April 10, 2009, behind the bar, at 12:10 p.m., and meeting adjourned at 12:11 p.m.]

RESPECTFULLY SUBMITTED:

Cheryl Williams
Committee Secretary

APPROVED BY:

Assemblywoman Marilyn K. Kirkpatrick, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Government Affairs

Date: April 9, 2009

Time of Meeting: 9:37 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 54	C	Susan Scholley	Work Session Document
A.B. 54	D	Susan Scholley	Amendment
A.B. 60	E	Susan Scholley	Work Session Document
A.B. 60	F	Susan Scholley	Amendment
A.B. 130	G	Susan Scholley	Work Session Document
A.B. 130	H	Susan Scholley	Amendment
A.B. 192	I	Susan Scholley	Work Session Document
A.B. 192	J	Susan Scholley	Amendment
A.B. 225	K	Susan Scholley	Work Session Document
A.B. 225	L	Susan Scholley	Amendment
A.B. 331	M	Susan Scholley	Work Session Document
A.B. 331	N	Susan Scholley	Amendment
A.B. 66	O	Susan Scholley	Amendment
A.B. 395	P	Susan Scholley	Work Session Document
A.B. 409	Q	Susan Scholley	Work Session Document
A.B. 409	R	Susan Scholley	Amendment
A.B. 409	S	Susan Scholley	Amendment

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A.B. 451	T	Susan Scholley	Work Session Document
A.B. 451	U	Susan Scholley	Amendment
A.B. 463	V	Susan Scholley	Work Session Document
A.B. 463	W	Susan Scholley	Amendment
A.B. 508	X	Susan Scholley	Work Session Document
A.B. 508	Y	Susan Scholley	Amendment
A.B. 220	Z	Susan Scholley	Amendment
A.B. 467	AA	Susan Scholley	Work Session Document
A.B. 467	AB	Susan Scholley	Amendment