

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

**Seventy-Sixth Session
May 16, 2011**

The Committee on Government Affairs was called to order by Chair Marilyn K. Kirkpatrick at 9:16 a.m. on Monday, May 16, 2011, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, 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/76th2011/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
Assemblywoman Irene Bustamante Adams, Vice Chair
Assemblyman Elliot T. Anderson
Assemblywoman Teresa Benitez-Thompson
Assemblyman John Ellison
Assemblywoman Lucy Flores
Assemblyman Ed A. Goedhart
Assemblyman Pete Livermore
Assemblyman Harvey J. Munford
Assemblywoman Dina Neal
Assemblywoman Peggy Pierce
Assemblyman Lynn D. Stewart
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Susan Scholley, Committee Policy Analyst
Cynthia Carter, Committee Manager
Jenny McMenemy, Committee Secretary
Olivia Lloyd, Committee Manager

OTHERS PRESENT:

None

Chair Kirkpatrick:

[Roll called. Quorum was present.] This morning, we only have three bills left to hear. We only have a work session this morning. We do have some bills that I will pull from the work session because we still have some concerns on them. The Committee does have a couple of days to see the work session before we vote on these bills. We will start with Senate Bill 40 (1st Reprint).

[Senate Bill 40 \(1st Reprint\)](#): Requires the State Public Works Board to adopt regulations concerning the construction, maintenance, operation and safety of certain buildings and structures. (BDR 28-436)

Susan Scholley, Committee Policy Analyst:

Senate Bill 40 (R1) was sponsored by the Senate Committee on Government Affairs on behalf of the State Public Works Board. It was heard in this Committee on May 9, 2011. [Read from work session document ([Exhibit C](#)).] Turning to the mock-up, this is the bill in its original form. This is what the bill will look like. It is what the bill looked like before the first reprint. It essentially changes it back. Instead of a requirement that the state agencies adopt regulations that do not conflict with the State Public Works Board regulations, the bill would go back to being a requirement to consult to avoid conflict with the State Public Works Board. The State Fire Marshal's change is on page 5 of the mock-up, which is the change he read into the record to clarify his role as it relates to regulations.

Chair Kirkpatrick:

I have not had a chance to speak to Senator Lee about the changes. This takes out any amendments that the Senate Committee has put in. There is a chance that it could end up in a conference committee. We will see about that. We are going back to the original bill with the State Fire Marshal's life and safety piece in there. Is there any discussion?

ASSEMBLYMAN LIVERMORE MOVED TO AMEND AND DO PASS
SENATE BILL 40 (1ST REPRINT).

ASSEMBLYWOMAN PIERCE SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN WOODBURY WAS
ABSENT FOR THE VOTE.)

Chair Kirkpatrick:

We will move on to Senate Bill 232 (1st Reprint).

Senate Bill 232 (1st Reprint): Removes certain tracts of local governmental and private land from the state definition of the Spring Mountains National Recreational Area. (BDR S-181)

Susan Scholley, Committee Policy Analyst:

Senate Bill 232 (R1) was sponsored by Senators Lee and McGinness and Assemblyman Hammond. It was heard in this Committee on May 6, 2011. [Read from work session document ([Exhibit D](#)).]

Chair Kirkpatrick:

Is there any discussion?

ASSEMBLYMAN ELLISON MOVED TO DO PASS
SENATE BILL 232 (1ST REPRINT).

ASSEMBLYMAN STEWART SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN WOODBURY WAS
ABSENT FOR THE VOTE.)

Chair Kirkpatrick:

We will move on to Senate Bill 280.

Senate Bill 280: Revises provisions relating to the use of special fees collected from the issuance of certain veterans' license plates. (BDR 37-1063)

Susan Scholley, Committee Policy Analyst:

Senate Bill 280 was sponsored by Senators Brower, Breeden, Manendo, and McGinness and Assemblymen Anderson and Grady. It was heard in this Committee on April 27, 2011. [Read from work session document ([Exhibit E](#)).]

ASSEMBLYMAN ANDERSON MOVED TO DO PASS
SENATE BILL 280.

ASSEMBLYWOMAN BUSTAMANTE ADAMS SECONDED THE
MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN WOODBURY WAS
ABSENT FOR THE VOTE.)

Chair Kirkpatrick:

We will move on to Senate Bill 302 (1st Reprint).

Senate Bill 302 (1st Reprint): Prohibits the sale of black powder and smokeless
gunpowder to certain persons. (BDR 42-981)

Susan Scholley, Committee Policy Analyst:

Senate Bill 302 (R1) was sponsored by Senator Hardy and heard in this
Committee on May 10, 2011. [Read from work session document ([Exhibit F](#)).]

Chair Kirkpatrick:

Is there any discussion? Whoever does the floor statement on this bill should
refer to it as the "Kacey Barlow Law."

ASSEMBLYMAN STEWART MOVED TO DO PASS
SENATE BILL 302 (1ST REPRINT).

ASSEMBLYWOMAN BUSTAMANTE ADAMS SECONDED THE
MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN WOODBURY WAS
ABSENT FOR THE VOTE.)

Chair Kirkpatrick:

We will move on to Senate Bill 358.

Senate Bill 358: Makes various changes concerning the operation of certain
vending stands. (BDR 22-665)

Susan Scholley, Committee Policy Analyst:

Senate Bill 358 was sponsored by Senators Brower and Denis. It was heard in
this Committee on May 11, 2011. [Read from work session document
([Exhibit G](#)).]

ASSEMBLYMAN STEWART MOVED TO DO PASS
SENATE BILL 358.

ASSEMBLYWOMAN BENITEZ-THOMPSON SECONDED THE
MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN WOODBURY WAS
ABSENT FOR THE VOTE.)

Chair Kirkpatrick:

We will move on to Senate Bill 361 (1st Reprint).

Senate Bill 361 (1st Reprint): Authorizes the issuance of a temporary permit to
appropriate water to establish fire-resistant vegetative cover in certain
areas. (BDR 48-285)

Susan Scholley:

Senate Bill 361 (R1) was sponsored by Senator Rhoads and heard in this
Committee on May 4, 2011. [Read from work session document ([Exhibit H](#)).]
I did confirm that there was a miscommunication with the Office of the
State Engineer and the Senate Committee on Government Affairs.

Chair Kirkpatrick:

I was not here this day. The notes from the meeting seemed to reflect that
there was not any issue with this bill.

ASSEMBLYMAN ELLISON MOVED TO AMEND AND DO PASS
SENATE BILL 361 (1ST REPRINT).

ASSEMBLYWOMAN PIERCE SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN WOODBURY WAS
ABSENT FOR THE VOTE.)

Chair Kirkpatrick:

We will move on to Senate Bill 392.

Senate Bill 392: Creates the Nevada Advisory Committee on Intergovernmental
Relations as a statutory committee. (BDR 19-169)

Susan Scholley, Committee Policy Analyst:

Senate Bill 392 was sponsored by the Senate Committee on Government Affairs
on behalf of the Legislative Commission's Committee to Study Powers

Delegated to Local Government. [Read from work session document ([Exhibit I](#)).]

Chair Kirkpatrick:

There was some initial concern about this bill. We held this the first time. From my perspective, I do not know why we have to have another committee to speak across the aisles, but this is something I would rather support than other bills that may be out there.

Assemblyman Livermore:

On the work session document ([Exhibit I](#)), it says that it may have a fiscal impact on the local government. Do we know what those fiscal impacts are?

Chair Kirkpatrick:

It was \$80 to have the meeting. This is something that the local governments requested. I am happy to pull it back if you would like more time to look at it.

Assemblyman Livermore:

I would like to have further clarification on what this bill is about.

Chair Kirkpatrick:

I will pull it back to the Committee. I will ask the local governments to answer any and all questions that are out there. It is on them to let me know. We will move to Senate Bill 396 (1st Reprint).

Senate Bill 396 (1st Reprint): Changes the governmental entity entrusted to administer and distribute the additional funds generated by the special license plates for the support of the natural environment of the Mount Charleston area. (BDR 43-919)

Susan Scholley, Committee Policy Analyst:

Senate Bill 396 (R1) was sponsored by the Senate Committee on Government Affairs and heard in this Committee on May 9, 2011. [Read from work session document ([Exhibit J](#)).]

ASSEMBLYMAN GOEDHART MOVED TO DO PASS
SENATE BILL 396 (1ST REPRINT).

ASSEMBLYMAN ELLISON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Kirkpatrick:

We will move to Senate Bill 400 (1st Reprint).

Senate Bill 400 (1st Reprint): Establishes a process by which a state agency may obtain certain information in county records at no charge for the purpose of assisting the economic development and population research of this State. (BDR 20-1143)

Susan Scholley, Committee Policy Analyst:

Senate Bill 400 (R1) was sponsored by the Select Committee on Economic Growth and Development on May 10, 2011. [Read from work session document ([Exhibit K](#)).] It appears that taking out the word "electronic" from the bill's language would also be appropriate in some other parts of the bill. I did not do a mock-up showing all of those deletions.

Chair Kirkpatrick:

Is there any discussion?

ASSEMBLYMAN GOEDHART MOVED TO AMEND AND DO PASS
SENATE BILL 400 (1ST REPRINT).

ASSEMBLYMAN STEWART SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Kirkpatrick:

I will assign the floor statements for the bills that we passed. The floor statement for Senate Bill 7 will be given by Assemblywoman Benitez-Thompson.

The floor statement for Senate Bill 40 (R1) will be given by Assemblywoman Flores. The floor statement for Senate Bill 74 will be given by Assemblywoman Woodbury. The floor statement for Senate Bill 81 (R1) will be given by Assemblyman Livermore.

The floor statement for Senate Bill 92 will be given by Assemblywoman Neal.

The floor statement for Senate Bill 110 (R1) will be given by Assemblyman Stewart.

The floor statement for Senate Bill 232 (R1) will be given by Assemblywoman Pierce. The floor statement for Senate Bill 280 will be given by Assemblyman Anderson. The floor statement for Senate Bill 302 (R1) will be given by Assemblyman Munford. The floor statement for Senate Bill 358 will be given by Assemblyman Ohrenschall. Assemblyman Ellison will give the floor

statement for Senate Bill 361 (R1). The floor statement for Senate Bill 396 (R1) will be given by Assemblyman Anderson. The floor statement for Senate Bill 400 (R1) will be given by Assemblyman Goedhart. If there are any bills for which the Committee needs clarification on the record, please do so in the floor statement. It is nice to go through the floor session, but I like to have a little bit of history, especially on some of these bills. We will now go to Senate Bill 268 (1st Reprint).

Senate Bill 268 (1st Reprint): Revises provisions relating to competing for public works by design professionals. (BDR 28-740)

Chair Kirkpatrick:

This bill is the one about professional design build projects. We changed it, but Susan Scholley can go through it.

Susan Scholley, Committee Policy Analyst:

Senate Bill 268 (R1) was sponsored by Senator Lee and was heard in this Committee on May 9, 2011. [Read from work session document ([Exhibit L](#)).] The amendments presented by Assemblyman Daly related to various cleanups to the public works statutes. The mock-up is the same as the one that was seen at the hearing. The only difference is that there has been an addition of the two-year trial for construction managers at risk (CMAR) for the Nevada Department of Taxation. The bill drafter did plug that into the bill, which is why it has grown to 34 pages.

Chair Kirkpatrick:

This is mostly Assembly Bill 470, which did not pass the first deadline. We could not get a full agreement on it. It was also Assembly Bill 371, which we heard a lot of testimony on. We tried working on it but to no avail. We could not get it right. We put someone else in charge of it, and Assemblyman Daly worked diligently on it. I promised Senator Lee that I would not jeopardize the original bill. He said it was a friendly amendment as long as we had worked out all of the issues.

Assemblyman Goedhart:

We had one person testify on this bill from Las Vegas. His concern was that you already had to be an existing company for three years even though we reduced the threshold from five to three years and reduced the amount of modified business tax that had to be paid. It would provide a 5 percent bidder preference. A business would have to be in business for three years to be eligible to receive that preference. Is that correct?

Chair Kirkpatrick:

That is correct. We had to check the constitutionality of this bill. We could not accept the amendment from Mr. Caviola. His amendment would violate interstate commerce laws. I spoke with some of the architect and engineering firms, and my understanding is that they really need to start out with some smaller projects before they are ready to do a local government project. The five percent only applies to local and state. They earn that ability to get to that point. Three years was a fair amount of experience that you would want some of these companies to have.

Assemblyman Goedhart:

The only sunset is a CMAR portion of it. Does the bidder's preference have a sunset clause on it as well?

Chair Kirkpatrick:

That would be the CMAR part only. I am happy to sunset the bidder's preference as well.

Assemblywoman Woodbury:

I would feel more comfortable if you put a sunset clause on the bidder's preference. I have a lot of concerns about the start-up companies. I have not had time to discuss what you have just explained. I was going to reserve my right to vote no.

Chair Kirkpatrick:

Would you be amenable to a four-year sunset so that we have a window of opportunity to discuss this further? I am happy to change it on the floor if there is a problem with that. Would the Committee want two years? Four years gives some longevity when they do financing and different things. I am happy to do whatever the Committee wants.

Assemblyman Goedhart:

I would be fine with the two years.

Chair Kirkpatrick:

I will amend the bill to a two-year sunset clause on the bidder's preference. I will ask the Committee to talk with the architect and engineering firms about this. Their thought was that if someone comes right out of school and gets a bidder's preference on a large local government job, he may not have the experience necessary for that.

Assemblyman Goedhart:

It could also be someone who was a high-level employee at an existing company who spun off and became his own principal. It is very likely that some of these people that have started their own business may have extensive experience. It is simply that they would like to branch out and form their own small company.

Chair Kirkpatrick:

That is true. If we are going to do a sunset on the design professionals, we should ask for a report from the local governments to go with that to see how many people actually participated in that process. Does that work? It would be amend and do pass to include the sunset clause for two years on the design professional bidder preference with a report from local government before January 1, 2013 Legislature, as well as Mr. Daly's amendment.

ASSEMBLYWOMAN WOODBURY MOVED TO AMEND AND DO
PASS SENATE BILL 268 (1st REPRINT).

ASSEMBLYWOMAN PIERCE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

We will move on to Senate Bill 393 (1st Reprint).

Senate Bill 393 (1st Reprint): Revises provisions relating to annexation of territory by certain unincorporated towns. (BDR 20-228)

Susan Scholley, Committee Policy Analyst:

Senate Bill 393 (R1) was sponsored by the Senate Committee on Government Affairs and heard in this Committee on May 10, 2011. [Read from work session document ([Exhibit M](#)).]

Chair Kirkpatrick:

Is there any discussion?

ASSEMBLYMAN ANDERSON MOVED TO DO PASS
SENATE BILL 393 (1ST REPRINT).

ASSEMBLYWOMAN BUSTAMANTE ADAMS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Kirkpatrick:

Senate Bill 151 (1st Reprint) was on the agenda this morning.

Senate Bill 151 (1st Reprint): Requires certain governmental entities to develop a plan for a regional rapid transit system. (BDR 22-612)

Chair Kirkpatrick:

There was an amendment passed out that I thought that we had clarified on the record on the day we heard it. This is the first I have seen of that amendment, and I do not have my bill with me. We will pull that bill back to a later day. The last amendment from the Regional Transportation Committee was not germane. That bill did not go anywhere.

Assemblyman Goedhart:

The amendment is the latest one; they talk about when they are going to consider the planning, tourism, and utility. Is that part of the latest amendment?

Chair Kirkpatrick:

That is correct, but I would rather pull the bill back for right now. There are a lot of questions that are starting to come up. On Wednesday, we will vote on some of the bills that were heard today. I will ask the Committee to let me know if you have any concerns on these bills. I am working with Senator Hardy to see if we can address some of the issues on all three of his bills.

Meeting adjourned [at 9:52 a.m.].

RESPECTFULLY SUBMITTED:

Jenny McMenomy
Committee Secretary

APPROVED BY:

Assemblywoman Marilyn K. Kirkpatrick, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Government Affairs

Date: May 16, 2011

Time of Meeting: 9:16 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 40 (R1)	C	Susan Scholley, Committee Policy Analyst	Work Session Document
S.B. 232 (R1)	D	Susan Scholley, Committee Policy Analyst	Work Session Document
S.B. 280	E	Susan Scholley, Committee Policy Analyst	Work Session Document
S.B. 302 (R1)	F	Susan Scholley, Committee Policy Analyst	Work Session Document
S.B. 358	G	Susan Scholley, Committee Policy Analyst	Work Session Document
S.B. 361 (R1)	H	Susan Scholley, Committee Policy Analyst	Work Session Document
S.B. 392 (R1)	I	Susan Scholley, Committee Policy Analyst	Work Session Document
S.B. 396 (R1)	J	Susan Scholley, Committee Policy Analyst	Work Session Document
S.B. 400 (R1)	K	Susan Scholley, Committee Policy Analyst	Work Session Document
S.B. 268 (R1)	L	Susan Scholley, Committee Policy Analyst	Work Session Document
S.B. 393 (R1)	M	Susan Scholley, Committee Policy Analyst	Work Session Document