

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

**Seventy-sixth Session
April 27, 2011**

The Senate Committee on Government Affairs was called to order by Chair John J. Lee at 9:09 a.m. on Wednesday, April 27, 2011, in Room 2135 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator John J. Lee, Chair
Senator Mark A. Manendo, Vice Chair
Senator Michael A. Schneider
Senator Joseph (Joe) P. Hardy
Senator James A. Settelmeyer

GUEST LEGISLATORS PRESENT:

Assemblyman Harvey J. Munford, Assembly District No. 6
Assemblyman John Ocegura, Assembly District No. 16

STAFF MEMBERS PRESENT:

Michael Stewart, Policy Analyst
Heidi Chlarson, Counsel
Cynthia Ross, Committee Secretary

OTHERS PRESENT:

Cadence Matijevich, City of Reno
Jennifer Lazovich, Pardee Homes of Nevada

CHAIR LEE:

I open this meeting with Assembly Bill (A.B.) 174.

ASSEMBLY BILL 174: Designates June 19 as Juneteenth Day in Nevada.
(BDR 19-137)

ASSEMBLYMAN HARVEY J. MUNFORD (Assembly District No. 6):

I am introducing Assembly Bill 174 which concerns a historical event that deserves recognition by the State.

The Nevada Legislature has established days of observance in the State to commemorate persons, occasions and topics of special significance. *Nevada Revised Statutes* (NRS) 236 recognizes days of observance. Examples of these days are: Arbor Day, Mother's Day, Columbus Day, Cesar Chavez Day, Law Day U.S.A., Constitution Week and Constitution Day, Nevada All-Indian Stampede Days and Native American Day, and Pearl Harbor Remembrance Day.

Nevada is one of 14 states that do not give permanent and special recognition to Juneteenth. I am introducing A.B. 174 to rectify this omission. Juneteenth stands for June 19, the day of the oldest celebration commemorating the ending of slavery in the United States.

Assembly Bill 174 is a short bill with a mighty purpose. It requires the Governor to proclaim June 19 as Juneteenth Day in the State each year to commemorate the abolition of slavery in our Country. The Governor's proclamation must call upon news media, educators and appropriate governmental officers to bring to the attention of Nevada residents the historical significance of the emancipation of slaves in the United States and the significant contributions of African Americans to the State.

There are 36 states that recognize Juneteenth. States that do not recognize Juneteenth include Alabama, Arizona, Georgia, Hawaii, Maine, Maryland, Montana, Nevada, New Hampshire, North Dakota, Pennsylvania, Rhode Island, South Dakota and Utah.

American history textbooks go into detail about the Emancipation Proclamation which President Abraham Lincoln issued on September 22, 1862. The Emancipation Proclamation took effect on January 1, 1863, but had little immediate effect on the daily lives of most slaves, especially those living in the Confederate States of America.

Fewer history books note that on June 18, 1865, Union General Gordon Granger and 2,000 federal troops arrived in Galveston, Texas, to take possession of the state to enforce the emancipation of its slaves.

On June 19, 1865, General Granger stood on a balcony and read aloud *General Order No. 3* that states in part:

The people of Texas are informed that, in accordance with a proclamation from the Executive of the United States, all slaves are free. This involves an absolute equality of personal rights and rights of property between former masters and slaves, and the connection heretofore existing between them becomes that between employer and hired labor.

Former slaves in Galveston took to the streets in joy. Juneteenth celebrations began in Texas the following year and continue to this day. Thirty-five additional states have enacted laws recognizing the symbolic importance of this date.

Juneteenth and the historical event it honors is of great and endearing importance to African Americans—many of whose ancestors were slaves—and to persons of any color who prize and want to preserve equality and justice in this Nation.

Support A.B. 174 and make Nevada the next state to formally recognize Juneteenth.

SENATOR SETTELMAYER:

Can you restate how many states recognize Juneteenth Day?

ASSEMBLYMAN MUNFORD:

Thirty-six states.

SENATOR SETTELMAYER:

My mother grew up in Texas and remembers Juneteenth and celebrating the day slaves were informed and emancipated in Texas. Juneteenth appears to be a Texas celebration. Nevada did not have slavery. The emancipation of African Americans happened in other places on different days. Why is Juneteenth significant to Nevadans?

ASSEMBLYMAN MUNFORD:

In the time the Emancipation Proclamation was given, communication was poor. For that reason, many states did not hear about the news for some time. There are states that celebrate the emancipation in various months throughout the year. It took Texas two years to get the news. Most states got the message of

Senate Committee on Government Affairs
April 27, 2011
Page 4

emancipation from slavery in months, and this is what makes Texas and the date June 19 unique.

SENATOR SETTELMAYER:
I support the bill.

SENATOR MANENDO:
I remember it taking close to two and one-half years for the news of the Emancipation Proclamation to reach Texas because the messenger was murdered. For some time, no one knew the messenger never made it.

ASSEMBLYMAN MUNFORD:
True. I appreciate your remark.

SENATOR SCHNEIDER:
Who would have thought 40 years ago we would be here in this legislative Committee hearing a Juneteenth bill?

ASSEMBLYMAN MUNFORD:
I will elaborate on Senator Schneider's remark. About 40 years ago, I taught an African studies class at the University of Nevada, Las Vegas (UNLV), and the class touched on the subject of Juneteenth. The class was an experimental class at UNLV to present an ethnic studies program, and one area was African studies. The class makeup was entirely African-American students except for one white student, and that student was Senator Schneider. The class was an experience and later became controversial. It was around 1974, a time following the 1960s and only six years after the assassinations of the Reverend Dr Martin Luther King, Jr., and Robert F. Kennedy. I commend Senator Schneider for taking that step to get an understanding of the history and culture of African Americans.

CHAIR LEE:
Is there a celebration that takes place, or is this a day of recognition?

ASSEMBLYMAN MUNFORD:
In Las Vegas, an organization leads a Juneteenth celebration. It brings in guest speakers and tries to galvanize the entire community. Events occur throughout U.S. cities. The city of Reno held a Juneteenth parade last year.

Senate Committee on Government Affairs
April 27, 2011
Page 5

CADENCE MATIJEVICH (City of Reno):

We support A.B. 174. The city of Reno has a long history of community groups hosting weekend-long Juneteenth celebrations. These are wonderful events that are held in our city parks. Last year, we did hold a Juneteenth parade. Our Mayor participated and our City Council was a proud sponsor. Due to budget constraints, the parade will not be held this year, but our community celebrations will continue as it is an important day for our community.

CHAIR LEE:

Our Committee protocol is to hear a bill and bring it to a work session, but I will call for a motion.

SENATOR SCHNEIDER MOVED TO DO PASS A.B. 174.

SENATOR SETTELMAYER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR LEE:

We will now hear A.B. 403.

ASSEMBLY BILL 403: Requires the adoption of certain permanent regulations.
(BDR S-974)

ASSEMBLYMAN JOHN OCEGUERA (ASSEMBLY DISTRICT No. 16):

Assembly Bill 403 will not affect the Governor's issuance of Executive Order 2011-01 that halts the promulgation of regulations post January 3. Assembly Bill 403 addresses 11 temporary regulations that will expire before the Governor's Executive Order expires. The Executive Order expires on January 1, 2012, and the temporary regulations expire November 1. A handout has been provided ([Exhibit C](#)).

Assembly Bill 403 is a staff recommendation as staff members see potential problems with the Executive Order. The temporary regulations have been in effect for over a year and with the Executive Order, they will go away. The bill came out of the Assembly on a partisan vote, and it has been suggested that the bill is attempting to thwart the Governor's Executive Order. The bill is about

the 11 regulations that will expire. It is not necessary to readdress the regulations and have them go through the entire process again. This is the purpose behind the bill.

CHAIR LEE:

Did the Office of the Governor come forward and discuss this bill with the Assembly Committee on Government Affairs?

ASSEMBLYMAN OCEGUERA:

The Governor's staff did not discuss it with that Assembly Committee, but I have had discussions with the Governor's staff and two suggestions came out of those conversations. One, the Governor's staff is going through each regulation to find those that can apply under the exception of the Governor's Executive Order. I do not support the second suggestion to place the regulations in statute. Regulations are intended to prevent volumes of statutes. A lot of work has gone into these regulations. The regulations will have to go through a public workshop and the Legislative Commission or the Legislative Commission's Subcommittee to Review Regulations before final approval.

SENATOR HARDY:

The Governor has the power to do an Executive Order, and he has the power to amend his Executive Order.

ASSEMBLYMAN OCEGUERA:

Yes.

SENATOR SCHNEIDER:

These regulations were formulated and brought forward under a different governor. The Board of Dental Examiners of Nevada, the Attorney General and the State Dairy Commission want the regulations to go forward, and they seem simple. Why would we let them hang out to expire? It appears these 11 regulations are caught in limbo and that the Office of the Governor did not intend to stop regulations already in effect. This bill will save work in the future because if the regulations expire, they will be redone.

ASSEMBLYMAN OCEGUERA:

I concur.

Senate Committee on Government Affairs
April 27, 2011
Page 7

SENATOR HARDY:

When temporary regulations become permanent, must they go through the public process?

ASSEMBLYMAN OCEGUERA:

The temporary regulations must have a public hearing one time to provide the Legislature with justification before adopting them as permanent regulations.

SENATOR HARDY:

The temporary regulations do not have to repeat the public process other than the one hearing to become permanent?

ASSEMBLYMAN OCEGUERA:

Yes, as I understand it.

SENATOR HARDY:

If the temporary regulations expire, the entire regulation process would have to be redone versus one public hearing to make them permanent?

ASSEMBLYMAN OCEGUERA:

Yes, it would take one hearing to make the 11 temporary regulations permanent, but if the temporary regulations expire, the regulations would have to revisit the entire process. This is what the bill will prevent.

SENATOR HARDY:

No discussion has occurred with the Governor's staff to prevent the regulations from stopping? We do not want the regulations to stop. The preclusion was making new regulations, and this is causing the limbo.

ASSEMBLYMAN OCEGUERA:

Yes.

SENATOR SETTELMAYER:

Have the temporary regulations moved through the Legislative Commission? I sat on the Commission, and regulations are to go through the normal process and get stamped by the Legislative Commission. Will A.B. 403 bypass this process, or have the bills moved through the process?

Senate Committee on Government Affairs
April 27, 2011
Page 8

ASSEMBLYMAN OCEGUERA:

The regulations have not been through the Legislative Commission or the Legislative Commission's Subcommittee to Review Regulations because they are temporary, but they would go through this process to become permanent.

HEIDI CHLARSON (COUNSEL):

Temporary regulations do not go through the Legislative Commission or the Legislative Commission's Subcommittee to Review Regulations. If the regulations are to become permanent, they have to go through the drafting process of the Legal Division of the Legislative Counsel Bureau (LCB). The agencies also have to provide notice and have a hearing for the permanent regulation. If an agency adopts a regulation as permanent, the regulation must go through the approval process of the Legislative Commission or the Legislative Commission's Subcommittee to Review Regulations.

SENATOR SETTELMAYER:

This bill would bypass the normal public process of the Legislative Commission where the Legislators would have a reading of the regulations. If we vote yes on A.B. 403, the temporary regulations become permanent without Legislators reading the entire file, whereas in the normal process, Legislators have that ability.

ASSEMBLYMAN OCEGUERA:

I do not agree.

MS. CHLARSON:

Assembly Bill 403 does not exempt these boards listed in the bill from going through the regular process for adopting permanent regulations. If A.B. 403 passed, the agencies would be required to provide notice to have a hearing and LCB would have to draft the language. If an agency adopts a regulation, it would go to the Legislative Commission or the Legislative Commission's Subcommittee to Review Regulations.

SENATOR SETTELMAYER:

I did not want to bypass the process.

SENATOR HARDY:

Have you been apprised of any agency having temporary regulations wanting to make them permanent or wanting to change them before they become permanent?

ASSEMBLYMAN OCEGUERA:

No, I have not been contacted by agencies saying they want to make changes.

CHAIR LEE:

The hearing on A.B. 403 is closed. We will move into a work session. The first bill is A.B. 17.

ASSEMBLY BILL 17: Revises the applicability of the Nevada Administrative Procedure Act to the Public Utilities Commission of Nevada. (BDR 18-455)

MICHAEL STEWART (POLICY ANALYST):

Assembly Bill 17 was brought to us on behalf on the Public Utilities Commission of Nevada (PUCN). It clarifies that judicial review of decisions by the PUCN is exempt from NRS 233B, which is the Nevada Administrative Procedure Act. There is a conceptual amendment ([Exhibit D](#)).

The amendment, [Exhibit D](#), was proposed by David Noble of the PUCN. It addresses the issue of judicial review of decisions of the PUCN. The PUCN has experienced problems with the judicial review process. The PUCN notes that parties suing the PUCN have not exhausted their administrative remedies, leading to unnecessary lawsuits that the PUCN could have resolved in many cases had the parties requested reconsideration. Also, there is no specific time frame for filing with the district court the PUCN's record of proceedings for reference in the parties' legal briefs.

The amendment would require parties to exhaust their administrative remedies with the PUCN prior to suing the PUCN, require the PUCN to file its record of proceedings with the district court prior to parties filing legal briefs, update the language in NRS 703 to make it consistent with NRS 233B and maintain the same four- to six-month time frame for judicial review as set forth in NRS 233B. The amendment in [Exhibit D](#) provides that the judicial review provisions in NRS 703 are the applicable judicial review provisions rather than those found in NRS 233B.

Senate Committee on Government Affairs
April 27, 2011
Page 10

CHAIR LEE:

This bill has to do with getting information out, but there were issues with the district courts.

SENATOR SCHNEIDER:

Where were the lawsuits coming from? For instance, were they from the public, environmental groups or NV Energy?

CHAIR LEE:

I cannot answer that question, and there is no one to speak to the bill. We will set this bill aside. The next work session bill is A.B. 97.

ASSEMBLY BILL 97: Revises the Charter of the City of Sparks to make various changes in provisions concerning city government. (BDR S-535)

MR. STEWART:

Assembly Bill 97 revises the Charter of the City of Sparks to make various changes in provisions concerning City government. It amends the Charter to authorize the City Manager to appoint department heads and other persons in executive, administrative or professional positions and to revise the organizational chart and listing of appointive positions. It also adds the prohibitions on certain types of discrimination and provides for the selection of a mayor pro tem (Exhibit E). There are no amendments.

Testimony indicated that this amendment to the Sparks City Charter was vetted and approved by the Sparks Charter Committee.

SENATOR MANENDO MOVED TO DO PASS A.B. 97.

SENATOR SETTELMAYER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR LEE:

The next work session bill is A.B. 166.

ASSEMBLY BILL 166: Makes changes relating to the authority of municipalities to hold special elections for certain purposes. (BDR 30-769)

MR. STEWART:

Assembly Bill 166 makes changes relating to the authority of municipalities to hold special elections for certain purposes. The bill prohibits a municipality from holding a special election on an emergency basis if the reason for the special election is to refund general obligation bonds ([Exhibit F](#)).

Assembly Bill 166 centers around A.B. No. 531 of the 67th Session that limits the circumstances under which a special election can be held. The measure authorizes a special election only if the governing body unanimously determines that an emergency exists and immediate action by the voters is necessary to prevent or mitigate a substantial financial loss to the entity. Testimony on A.B. 166 indicated that A.B. No. 531 of the 67th Session was not intended to include a special election to refund general obligation bonds as an emergency, [Exhibit F](#).

SENATOR HARDY MOVED TO DO PASS A.B. 166.

SENATOR MANENDO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR LEE:

The next bill in work session is A.B. 168.

ASSEMBLY BILL 168: Revises provisions governing the formation of general improvement districts. (BDR 25-846)

MR. STEWART:

Assembly Bill 168 allows for the creation of a general improvement district that includes property within seven miles of an unincorporated town with a town advisory board or citizens' advisory council so long as the property is not within seven miles of a city or an unincorporated town with a town board ([Exhibit G](#)).

Senate Committee on Government Affairs
April 27, 2011
Page 12

One amendment was offered. It would have made the bill effective upon passage and approval, but testimony indicated there is no need to delay the authorization set forth in the measure.

CHAIR LEE:
Is the bill's October effective date acceptable?

JENNIFER LAZOVICH (Pardee Homes of Nevada):
Yes, we are comfortable with the date of October 1.

CHAIR LEE:
There will be no bill amendment.

SENATOR MANENDO MOVED TO DO PASS A.B. 168.

SENATOR SETTELMAYER SECONDED THE MOTION.

SENATOR HARDY:
I would add legislative intent that this bill become effective at the discretion of the Committee.

CHAIR LEE:
Ms. Lazovich prefers a clean bill to prevent the bill getting tangled toward the end of Session. They want to move ahead, and the October date works for them.

SENATOR HARDY:
I support that intention and the bill.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR LEE:
The next work session bill is A.B. 201.

ASSEMBLY BILL 201: Revises provisions pertaining to informational statements provided for the adoption of administrative regulations. (BDR 18-83)

Senate Committee on Government Affairs
April 27, 2011
Page 13

MR. STEWART:

Assembly Bill 201 was a request by the Legislative Commission. It requires the informational statement prepared in connection with the submittal of a permanent or temporary regulation to the Legislative Commission include the name and contact information of persons who testified or submitted comments on the proposed regulation. There is an amendment ([Exhibit H](#)).

The amendment clarifies the information that must be provided with each adopted regulation submitted to the LCB or filed with the Office of the Secretary of State. The amendment provides that the home address and profession or trade of each person who testified at the regulation hearing need not be included with the adopted or filed regulation. The entity or organization represented by the person who testified at the regulation hearing shall be provided if the agency conducting the hearing received such information. The conceptual amendment in [Exhibit H](#) shows the deletion of "profession or trade" and "home address" and adds the provisions "entity or organization represented."

CHAIR LEE:

Does this amendment address the Committee's concerns?

SENATOR MANENDO:

Yes.

SENATOR MANENDO MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 201.

SENATOR SCHNEIDER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR LEE:

The last bill in work session is Assembly Bill 262.

ASSEMBLY BILL 262: Revises provisions relating to public administrators.
(BDR 20-1039)

Senate Committee on Government Affairs
April 27, 2011
Page 14

MR. STEWART:

Assembly Bill 262 provides that the district attorney of Storey County will begin serving ex officio as the public administrator of Storey County starting July 1 ([Exhibit I](#)). There are no amendments.

Assemblyman Crescent Hardy pointed out that S.B. No 194 of the 75th Session provides that the District Attorney of Humboldt County serves as the ex officio public administrator, and A.B. 262 provides the same authorization to Storey County.

SENATOR SETTELMAYER MOVED TO DO PASS A.B. 262.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Senate Committee on Government Affairs
April 27, 2011
Page 15

CHAIR LEE:

The Senate Committee on Government Affairs is adjourned at 9:49 a.m.

RESPECTFULLY SUBMITTED:

Cynthia Ross,
Committee Secretary

APPROVED BY:

Senator John J. Lee, Chair

DATE: _____

<u>EXHIBITS</u>			
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 403	C	Assemblyman John Ocegura	Handout
A.B. 17	D	Michael Stewart	Work Session Document
A.B. 97	E	Michael Stewart	Work Session Document
A.B. 166	F	Michael Stewart	Work Session Document
A.B. 168	G	Michael Stewart	Work Session Document
A.B. 201	H	Michael Stewart	Work Session Document
A.B. 262	I	Michael Stewart	Work Session Document