

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

**Seventy-Seventh Session  
February 20, 2013**

The Committee on Government Affairs was called to order by Chairwoman Teresa Benitez-Thompson at 8:05 a.m. on Wednesday, February 20, 2013, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 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 [nelis.leg.state.nv.us/77th2013](http://nelis.leg.state.nv.us/77th2013). In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Teresa Benitez-Thompson, Chairwoman  
Assemblywoman Dina Neal, Vice Chairwoman  
Assemblyman Elliot T. Anderson  
Assemblywoman Irene Bustamante Adams  
Assemblyman Skip Daly  
Assemblyman John Ellison  
Assemblyman James W. Healey  
Assemblyman Pete Livermore  
Assemblyman Harvey J. Munford  
Assemblyman James Oscarson  
Assemblywoman Peggy Pierce  
Assemblyman Lynn D. Stewart  
Assemblywoman Heidi Swank  
Assemblywoman Melissa Woodbury

**COMMITTEE MEMBERS ABSENT:**

None



**GUEST LEGISLATORS PRESENT:**

Assemblyman James Ohrenschall, Clark County Assembly District No. 12

**STAFF MEMBERS PRESENT:**

Jennifer Ruedy, Committee Policy Analyst  
Jim Penrose, Committee Counsel  
Jennifer Dalton, Committee Secretary  
Cheryl Williams, Committee Assistant

**OTHERS PRESENT:**

Chris Giunchigliani, Commissioner, District E, Clark County Board of Commissioners  
Danny Thompson, representing the Council of Nevada State AFL-CIO  
Richard Perkins, representing the International Brotherhood of Electrical Workers, Nevada Electric Contractors Association and Labor Management Coordinating Committee  
James Halsey, representing International Brotherhood of Electrical Workers, Local 357  
Jack Mallory, representing International Union of Painters and Allied Trades, District Council 15  
Paul McKenzie, representing the Building & Construction Trades Council of Northern Nevada, AFL-CIO  
Warren B. Hardy II, representing Associated Builders & Contractors of Nevada  
Chris Ferrari, representing Associated General Contractors, Las Vegas Chapter, and Nevada Contractors Association  
Sean Stewart, Executive Vice President, Associated General Contractors, Las Vegas  
Thorán Towler, State Labor Commissioner, Office of the Labor Commissioner, Department of Business and Industry  
Terry J. Care, Commissioner, National Conference of Commissioners on Uniform State Laws  
Nicole J. Lamboley, Chief Deputy, Nevada Secretary of State  
John Pappageorge, representing County Clerks Association of Nevada

**Chairwoman Benitez-Thompson:**

[Roll was taken. Meeting protocol was reviewed.] We will be hearing two bills today. We are going to begin with Assembly Bill 37 presented by Clark County,

and we have Commissioner Giunchigliani in Las Vegas who is going to be presenting this bill for us.

**Assembly Bill 37: Authorizes certain larger counties to enforce the prevailing wage requirement for public works. (BDR 28-391)**

**Chris Giunchigliani, Commissioner, District E, Clark County Board of Commissioners:**

The bottom line for Assembly Bill 37 is that when prevailing wage works for everyone, it levels the playing field and contractors seek to minimize their workers' output and their own ability to manage and work better with their competition. As we are recovering from the economic downturn in construction, and hoping that capital projects begin to gear up, part of this legislative intent is to set the policy with regard to how we really collect and make sure that public works projects are being paid prevailing wage. We have always taken the laws very seriously. Since 2001, we have had a compliance officer, and we actually added a staff position last year, even with the budget complaints, to do a compliance position that enforces the violations of the prevailing wage laws. As we were dealing with that, especially during the tough economic times, we were finding as we were doing the investigations that we would either get complaints both from the Labor Commissioner directly or from the industry. We would do the investigations on wage pay, determining whether a contractor was paying workers using the correct pay category that a worker should be categorized under. We would also do the investigations when a contractor bid on a project and then failed to pay according to what their bid had been. Our compliance position, for example, investigated over 594 claims. Of those claims, 335 came from the Labor Commissioner and 239 were self-initiated audits that were done. We have recouped close to \$1.7 million. However, penalties are one of those things that take time to recoup. Employees who did not get paid appropriately, could wait upwards of 18 months to get their prevailing wage adjustment done correctly, based on the complaint that came forward. Something needed to be resolved. That is the genesis of Assembly Bill 37. It mirrors the current statute for Labor Commissioner, but, concerning Clark County, it carves out the same authority. After we have done the investigation, which we are already charged to do, this bill allows Clark County to be able to do the enforcement component in order to speed up that process.

I did receive an email last night from The Associated General Contractors of Las Vegas, and Sean Stewart is here to speak to that. There are some concerns about that component. There are concerns about making sure we do not fine people twice, which we do not support. We want to work with the Committee and work with people in labor to make sure that we do not take

money away from the Office of the Labor Commissioner, which is already cash-strapped. It has always been one of the smaller, underfunded offices, and that has probably caused part of the problem as far as processing this in a more timely manner. They have some concerns and questions to make sure that we are not going to affect them. At some point after the testimony, Madam Chairwoman, I would be happy to work with whoever has concerns about the bill to see if we can come up with a way to resolve those concerns.

I think the intent is absolutely key. It is not fair to contractors who bid a project in good faith and pay their employees correctly and use the public tax dollars correctly, but then get undercut by someone who then saves or shaves off by not following the prevailing wage laws. That is the intent that we are trying to get at. If there is a better idea or mechanism, as usual, I am very open to it, and I know Clark County would be as well. I will try to answer any questions at this point.

**Assemblyman Stewart:**

This applies only to contracts negotiated by Clark County, not for cities within Clark County. Is that correct?

**Chris Giunchigliani:**

That is correct. This applies only for Clark County. I do believe the other cities may have their own compliance officers, but this bill is only intended to affect Clark County, but not the cities.

**Assemblyman Daly:**

I think this bill is a good idea for discussion. I know the problems that you are talking about, having dealt with the Labor Commissioner, actually several of them over the past 10 or 15 years. However, there are some problems with this. It creates a due process issue in which the county is the judge and the executioner, if you will. I did not see an appeals process in the bill. I really think this is not the solution. It is, perhaps, putting some more requirements or restrictions on discretion in the Labor Commissioner's Office where this needs to be addressed. There are some other problems as well, and I would be happy to talk with people about it. I think this is a great starting place for discussion, but it is the wrong application.

**Assemblyman Ellison:**

I read this bill and took notes, and I agree with my colleague from down south. This would actually allow the county to solicit and award contracts away from the public works. I have a problem with that. It would also authorize the county representative to impose administrative penalties. There is already a law that enables the state to do that through the Labor Commissioner. It seems to me

that we are going back and trying to create another agency on top of an agency. I am hoping that during the process someone can address the concerns that I have.

**Chris Giunchigliani:**

Assemblyman Ellison, I want to make sure I understand your concerns. Are you concerned about the administrative policy and the fines component?

**Assemblyman Ellison:**

Yes, I am concerned with creating another agency within the department. In addition, I am concerned with authorizing a county representative to impose administrative penalties. That is what the Office of the Labor Commissioner is about.

**Assemblyman Livermore:**

Based on your testimony, are you indicating that the Labor Commissioner is falling short in his duties?

**Chris Giunchigliani:**

I am not indicating that the Labor Commissioner is falling short in his duties. We actually have a very good working relationship, and, as I stated, he actually referred 355 claims to the county to investigate. We actually do the investigations based on legislation back in 2001, and that is why most of the cities also have a compliance officer to make sure that our public works projects are properly enforced. I do not know how the funding is done for the office, so that may be something that I need to vet out here in the discussion. However, the Labor Commissioner's Office has never been properly staffed to allow him to move forward in a timely manner once a complaint has been verified.

**Assemblyman Livermore:**

There are 17 counties in the state of Nevada, not counting all the municipalities and all the public works jobs that go out. I asked that question to find out if your concern is about the Labor Commissioner's Office or is it about enforcing contracts. If it is about the Labor Commissioner's Office, maybe that is where we need to focus rather than creating another layer of bureaucracy.

**Chris Giunchigliani:**

Actually, there is no new layer, nothing created within the office. We are already doing the compliance, so there would be nothing new that is added. It is simply because the Office of the Labor Commissioner cannot seem to process some of the complaints, fines, and forfeitures that have been found to be a problem. The office does not work in a timely manner because of staffing time. So, it is not creating a new office. We already have internal compliance

officers that do the investigations, and then we turn it over to the Labor Commissioner. Then, they make their findings. We are concerned with the timeliness of those findings.

**Assemblyman Livermore:**

We have only heard from Clark County. If that were the case throughout the state, I would think you would have some type of exhibits regarding other municipalities, such as Washoe County, Reno, or the City of Las Vegas, that also have the same concerns. I am not sensing that, so that is why I posed that question.

**Chris Giunchigliani:**

I appreciate that concern. First, because the county has the largest public works projects, it probably rises to a different level for us. However, I would say that every county has issues with contracts being paid properly and issues for their employees on their public works being paid according to the type of job that they are doing. That seems to be the biggest threshold. What happens is a good contractor bids a contract, but another contractor is selected that does not pay according to what was bid. They are profiting from that on the backs of the public taxpayers, at the expense of the employees and at the expense of the other contractors who bid legitimately on the project. That is the loophole that exists. As I suggested, there may be other mechanisms to deal with that. Assemblyman Daly and I worked on legislation for many years trying to strengthen the Labor Commissioner's Office while staffing it properly. I think that is part of what this bill implies is that they have not been staffed adequately, which is a Ways and Means Committee issue. That is often what drives policy, however.

**Assemblywoman Neal:**

You want to take on the additional role of being the enforcer, but how does the public benefit from you taking on this role? I understand what you said about cost issues, but when it comes down to the contract being awarded by the county, one must question the fairness component in that.

**Chris Giunchigliani:**

When the contract is awarded by the county, it is using public dollars under a public works project. Imagine a contractor bid \$20 million. Later, complaints come in from employees or other contractors, for example, saying that this job was bid in this way, but the contractor is not paying their linemen correctly or they are not paying their electrical workers correctly, and they are pocketing that money. Those are the types of complaints that are initiated. Once we investigate that, if we make a finding, it goes to the Labor Commissioner. Once it gets to the Labor Commissioner, it sometimes takes a year to go through the

public process. We would not argue if you created some sort of transparency of posting appeals processes or due process. This time that it takes hurts the contractors that are playing by the rules and the employees who have to wait to get their money. A contractor bids a public works project in good faith with a dollar amount. If they then undercut that dollar amount, then they are guilty of bad practices and should be fined. It should not take one to three years before a contractor is fined. In the long run, that contractor is still in the loop of being awarded another public works project even though we already know they did something inappropriate. We do not have the tool in place to prevent that contractor from bidding on a new contract. Maybe that is a concept that we should look at rather than this exact process. Contractors also need to hold their subcontractors responsible for the bids. That seems to be another area that we are having problems with, and that this bill tried to deal with, by making the contractors more responsible for their subcontractors. Often, they bid in good faith as the contractor, but their subcontractors go off the reservation and start undercutting. When complaints are filed, we have no place to go except after the contractor, and that is not fair if they are not the ones who violated the terms of the bid, but we need someone that holds the subcontractor accountable. Maybe those are the two thresholds that we are trying get at through A.B. 37. That may help a work group work with me to try to figure out, along with the rest of the county, how we can hold them accountable and make sure that the process that is already in place works for both the contractors that are playing by the rules and the employees. Assembly Bill 37 is one idea, as I stated. If there are better ideas, we are more than open to that.

**Assemblyman Healey:**

Just to clarify, the intent of this bill is to focus on making the employee, who has potentially been harmed by not being paid, whole and to hold the contractors accountable. Is that correct?

**Chris Giunchigliani:**

That is correct. We want to hold contractors and subcontractors accountable because the contractors get frustrated as well. They may tell us that their subcontractor was responsible for a violation, like not paying adequately. There is a missing link in the law with prevailing wage under *Nevada Revised Statutes* Chapter 338 that does not allow us to close that loophole. That may be a direction the Committee could take.

**Assemblyman Healey:**

In section 1, subsection 2, paragraph (b), the bill talks about the suspension of a contractor that has been found guilty of not paying properly. It says that they will be suspended for "a specified period after the date." Who would determine that? Would the county determine the length of time for the suspension?

**Chris Giunchigliani:**

It would be the county, but we would do that according to what the Labor Commissioner's standards are. They make those types of findings at this time, so I would not imagine that we would do anything different from what the Labor Commissioner already does. We would include that in the ordinance. If you go further into NRS Chapter 338, all of that language mirrors what the Labor Commissioner's authority currently is.

**Chairwoman Benitez-Thompson:**

In the beginning of your testimony, you talked about the fact that Clark County already has some hearing officers in place. How many compliance officers does Clark County have?

**Chris Giunchigliani:**

Compliance officers do the investigation by going on-site, going through the payroll, and so on when a complaint comes in. We have two compliance officers.

**Chairwoman Benitez-Thompson:**

With this process, whatever the compliance officer finds in his or her investigation, then that information would not go to the Labor Commissioner. Do you imagine another step in the process within the county in which that investigation would be presented or would it be that once one of those two compliance officers finishes their investigation, the final document is created with the decision rendered within it?

**Chris Giunchigliani:**

To me the way we would craft the ordinance would be that once the compliance officers have found violations, we would then have to set up an internal body that is a secondary reviewer, because you would still have to make your case. You could still then send it to the Labor Commissioner for final review, but you could still take action in the meantime. Then, if the Labor Commissioner overturns something or agrees with the finding, there is a mechanism to deal with that. It would be dealt with by ordinance. There should be some separation between the compliance investigation and the actual finding, in my opinion.

**Assemblyman Ellison:**

Prevailing wage is set by the state. If this bill were to pass, would Clark County or your representatives be able to change prevailing wage rates or would that power remain with the state?



**Chris Giunchigliani:**

No, we would not be able to change the rate. The rate is already set by the Labor Commissioner by jurisdiction based on the wages paid in those counties. We would not envision changing that in any way.

**Assemblyman Livermore:**

Who would be doing the investigation? Once the investigation is completed, who would be enforcing the findings? Will you make sure that the contractors, the workers, and the Labor Commissioner are all represented? Would you create a court or a hearing officer? What would that process be? Currently that power resides with the Labor Commissioner. It seems that you are not only looking at doing investigations of prevailing wage, but, in the long term, you would be creating a division that would be enforcing fines and penalties and restricting people from obtaining contracts. How is this going to work out?

**Chris Giunchigliani:**

Section 1, subsection 2, paragraphs (a), (b), and (c) explain that component. The Chairwoman asked the question about who would do the enforcing or conduct the hearings. We could do many things through ordinance as far as who would be the hearing officer. We have hearing officers within the county serving in a variety of capacities already, so there are mechanisms in place to put an independent voice. At least we could move the process along more quickly than we are currently. In section 2, subsection 2, it does say that in counties with a population of 700,000 or more, an authorized representative is enforcing that, and then they would refer anything final as well as any money collected to the Office of the Attorney General, if necessary. That creates a check and balance and an independent body. Again, this was drafted by a request, and the drafting can be flushed out in any way, but it did not anticipate a hearing officer. In my mind, you would want our investigation to be done by the compliance officer and then referred to an independent group within the county, such as a hearing officer. That would be handled by ordinance.

**Assemblyman Livermore:**

Once it goes to the hearing officer, would that eventually lead to a conclusion from the Clark County Commissioners as a body to collect a fine or to evoke a penalty?

**Chris Giunchigliani:**

If there were an appeal, then it would come to the Commission.

**Assemblyman Livermore:**

That body is elected. We all take campaign contributions from an assortment of people. I would hope that the Clark County Commissioners would separate themselves from those kinds of conflicts of interest.

**Chris Giunchigliani:**

I appreciate that concern. We already have appeals procedures in place. The Board of County Commissioners is already the final authority for many different types of hearings, and I have never witnessed my colleagues showing partiality. We have a responsibility, as you well know, to make a decision based on the facts. I think that there has been a trust level since 2001 with our compliance office, and they have been entrusted by the Labor Commissioner to do the investigations. The problem is getting the penalties put in place, getting the payment back, getting that made, and making these subcontractors accountable. That is the loophole that we are attempting to get rid of. If the language in A.B. 37 does not work in the minds of the Committee, then we are very open to coming up with a process. It could be a process that benefits the whole state as well as the Labor Commissioner's Office.

**Chairwoman Benitez-Thompson:**

I see no more questions from the Committee. We will now hear testimony in support of this bill. Is there anyone from Las Vegas who would like to speak for the record? [There was no one.] I will take testimony in support of the bill here in Carson City.

**Danny Thompson, representing the Nevada State AFL-CIO:**

I am here with a suggestion. The Commissioner is right, and I want to thank her for bringing this issue forward. In the past, the Labor Commissioner was understaffed, and the ability to do compliance checks at the local government level was agreed to because of the understaffing that kept things from moving forward. However, this bill has some issues that we would like to have the opportunity to iron out before a full committee, and I would respectfully ask the Committee to refer this bill to subcommittee. I know there are a number of people on both sides who want to talk about it, and I think in the interest of time, that would be the right thing to do.

**Richard Perkins, representing the International Board of Electrical Workers,  
Nevada Electric Contractors Association and Labor Management  
Coordinating Committee:**

I do not disagree with Mr. Thompson's comments. Over my tenure here during the last few decades, there has been an up and down relationship with the Labor Commissioner's Office, but I have great respect for the current Commissioner. I would echo the comments of Commissioner Giunchigliani in

suggesting that the Labor Commissioner's Office has never received top priority by our budgeting process, and it continues to lack resources to do the job that has been entrusted to it. I believe this bill is very similar to the approach that the Los Angeles Unified School District took in undertaking a similar process, pulling the compliance checks internally. In its simplest form, all this bill is intended to do is to take the workload out of the Labor Commissioner's Office and bringing that workload to the Clark County Commission. It puts the due process and enforcement of the law that the Labor Commissioner would do under the Clark County Commission. It is not a reflection on the Labor Commissioner's Office; it is a reflection of the amount of work that occurs statewide. It would not be the Labor Management Coordinating Committee's position that the Clark County Commission has any more authority than the Labor Commissioner has today. There would not be any less due process than exists today. Essentially, it is shifting a process from being a state responsibility to being a county responsibility. That is really the simplest way to address this problem. I do not hold the Labor Commissioner responsible for the backlog that exists; it is only because of a lack of resources. The way the bill is written, there may be some drafting areas that can be improved. The intention is only to shift the responsibility.

**Chairwoman Benitez-Thompson:**

Are there any questions from the Committee for Mr. Perkins? [There were none.]

**James Halsey, representing International Brotherhood of Electrical Workers, Local 357:**

I believe that the reason that Clark County has proposed this bill is out of frustration with a system that does not punish the bad contractors. They are also frustrated with paying for a quality product only to have a substandard contractor underbid a quality contractor with the intention of making up for the low bid by cheating its workers out of a living wage. Until real action is taken, the frustration will continue because there is no real financial penalty for a contractor who has been caught multiple times cheating.

Let me give you an example. In 2010, on Fire Station 22, a Clark County project, an electrical contractor performed the work on a new fire station that replaced an existing station next door. This was a prevailing wage job with signs clearly posted on-site that specified that it was a prevailing wage project. In this case, the contractor misclassified their workers as laborers as opposed to electricians. In addition, they only compensated their workers for 15 hours per week when in reality they were working 40 hours per week. The workers had no health care. As a result, Clark County taxpayers had the potential of paying for health care twice because the uninsured workers would take themselves and

their families to the University Medical Center of Southern Nevada (UMC). This does not help the county's financial situation at UMC.

As a result, we had contractors who bid and compensated workers fairly, the county, and the workers all losing out. This contractor had a history of incorrectly paying employees on prevailing wage projects. This job, Fire Station 22, started in 2010. A claim was filed in May of 2011. A wage determination by Clark County for a total of over \$400,000 was issued in March of 2012. It was appealed by the contractor and finally settled for \$175,000. The workers finally received the money owed to them in the fall of 2012.

In closing, effective enforcement of prevailing wage laws provides integrity to the competitive bidding process on public projects. The local quality contractors will have incentive to bid; therefore, the project funds when paid out to workers correctly can be regenerated back into the community. Thank you for this opportunity to speak today

**Chairwoman Benitez-Thompson:**

Are there any questions from the Committee? [There were none.] We will now accept testimony in opposition of the bill. Once again, I would like to remind people in the audience that opposition means that you have issues with the bill as it is written or that you have amendments that are not approved by the bill's sponsor.

**Jack Mallory, representing International Union of Painters and Allied Trades, District Council 15:**

We echo and support the concept that the Clark County Commission is trying to achieve. We have experienced the same frustrations in the past in the processing of complaints and the making of final determinations made by the Labor Commissioner's Office. It is not the fault of the current Labor Commissioner. We support him, what he is trying to do, and what he has to work through. With budgeting being what it is, he has reduced staffing.

However, we believe that there are a number of unintended consequences, which need to be vetted and addressed, that result from this bill. Because of that, we are in opposition to this bill; however, we are in support of the concept. We would also support the suggestion of Commissioner Giunchigliani that this go to a subcommittee to try to work out the kinks and avoid as may unintended consequences as reasonably possible.

**Chairwoman Benitez-Thompson:**

Does the Committee have any questions for Mr. Mallory? [There were none.]

**Paul McKenzie, representing the Building & Construction Trades Council of Northern Nevada, AFL-CIO:**

Probably very few people who deal with prevailing wage issues have more frustration than I do. I have probably filed as many or more claims on contractors that have violated prevailing wage law in this state than anybody. I had to go to the Supreme Court of the State of Nevada to get the Labor Commissioner to do his job to enforce prevailing wage on the Cabela's project in Reno. We had to wait from 2009 until 2012 for the Labor Commissioner to enforce prevailing wage provisions on contracts that were issued at Tahoe Regional Industrial Center. That is not the current Labor Commissioner's fault; it was his predecessor's fault.

That frustration is directed as much at the public bodies that are supposed to be enforcing the prevailing wage laws as it is at the Labor Commissioner's Office. I am assuming that Clark County may have a different opinion, but in most cases, as soon as they sign a contract with a contractor, the majority of public bodies become the advocate of the contractor once an agreement has been signed. If there are issues with the employees on the job, the public body finds ways to defend the actions of the contractor, such as claiming that there were clerical errors, oversights, or any number of other excuses as to why the contractor is not actually in violation of the law. Written into *Nevada Revised Statutes* (NRS) Chapter 338 is a provision that allows the public body, when they find a contractor to be in violation of the law, to assess a penalty from \$20 to \$50 per day until that violation is corrected. Very few public bodies will enforce that provision of NRS and assess that penalty against the contractors. With good cause, the Labor Commissioner can waive that penalty at the end of the complaint process when findings have been made. However, that financial burden upon the contractor is what will get him to correct the issue immediately. Again, the public bodies do not want to use this provision.

We have numerous public bodies in this state that have gone to an electronic reporting system for prevailing wage for their certified payrolls that actually will not let them submit the certified payroll until they have entered the correct wage rate for the classification they have entered for the employee. Numerous times in the past, we have found instances in which certified payrolls were submitted where they have written down what a person is really doing on the job, and then they pay them laborer's rate of pay. Those are not clerical errors. The workers are telling the truth when they sign the payroll indicating the job that they did, but under this electronic system of reporting, they cannot submit those certified payrolls until they submit the correct wage. That does not mean that the employee was paid correctly; it just means that they have submitted the wage so that the certified payroll can be submitted.

We believe there are major issues with the way that prevailing wage is enforced in this state. We do not believe that taking the enforcement power away from the Labor Commissioner is the way to correct those issues. The current laws were passed because of the staff shortage at the Office of the Labor Commissioner. The public bodies were given the burden of enforcement at the local level. Most of them have not accepted it. I applaud Clark County for stepping forward and wishing to enforce the laws of this state, but I think the true solution to this issue is putting some teeth into our prevailing wage laws forcing public bodies to enforce those laws. We have to make sure that the employees on the jobs are being paid correctly for the work that they are doing. If that is not done, there must be recourse. That is the problem that we have right now; there is no recourse if the public body does not do its job or if the Labor Commissioner does not do his job. That being said, I also agree that a subcommittee to work out these issues is of value. The issues are real and present. Every day, there are people working on public jobs who are not paid correctly. The contractor that is violating the law is not being punished, and is continuing to bid on prevailing wage jobs and to underbid responsible contractors who are willing to pay the correct wages and benefits to their employees.

**Assemblyman Daly:**

I am familiar with many of the issues and problems that you have had. I just wanted to clarify for some of the other members of the Committee that most of the issues and problems that you referred to are not directed at Clark County, but mostly northern Nevada agencies. In addition, most of the issues with the Labor Commissioner's Office were not due to the current Commissioner. I believe that Mr. Towler has been Commissioner for a short time, so most of those issues were prior to his time.

**Paul McKenzie:**

Assemblyman Daly is completely correct. We deal with northern Nevada counties, not Clark County. We have had more results from the current Labor Commissioner in the short time that he has been in office than we did with the previous Labor Commissioner in the years that he was in office. It is an issue with the law that allows these problems to arise if a Labor Commissioner does not do his job. If that is the case, there is no way to make him do his job under the law.

**Warren B. Hardy II, representing Associated Builders & Contractors of Nevada:**

I have spent most of my time trying to move these types of issues closer to the local level of government. However, there are some challenges when it comes to prevailing wage that make decentralization challenging. First, I would like to indicate that we support the original concept of prevailing wage, which was to

ensure that individuals working on public works jobs were not paid less than those who are working in the private sector. We support a reasonable and fair prevailing wage. I also want to indicate that the challenges and problems that have been identified by Commissioner Giunchigliani and by my friends from labor are real. There are contractors who cheat the system. The situations that have been described, unfortunately, happen. We believe that those individuals and those contractors that cheat the system should be dealt with to the fullest extent of the law. I will tell you this: the overwhelming majority of contractors try to comply; they do their best. That is where the problem with decentralization of enforcement lies. One of the greatest challenges that we have always had is being able to rely on job classifications. For example, in my own career contractors have called me because they are unclear about what classification of wage they should pay in a prevailing wage job. They were not sure what category the craftsmen should be placed under. We called the Labor Commissioner's Office and asked for advice. The Labor Commissioner is usually reluctant to do that, but in a few cases, he gave us a guess. As a result, the contractor went ahead and paid the worker under that classification, and somebody filed a wage complaint. When the complaint was heard, the Labor Commissioner ruled that it was the wrong classification for the worker to be paid under, but he was the one that recommended that classification. I am just trying to illustrate part of the difficulty in this system. If we had a job classification schedule that we could rely on, in large part, the complaints on prevailing wage would go down. It is this kind of complexity that creates the problem with decentralizing the activity. Because this is a complex and confusing issue, these prevailing wage laws are a prime opportunity for what I will call "contractor on contractor violence," which is when a contractor files a complaint against a competitor in order to harm their business. Again, these are issues that are difficult, and we have been grappling with them for years. I would respectfully submit that decentralizing the process is the opposite of the approach that is needed. Unless we can very clearly identify and articulate what the parameters, rules, and classifications are, decentralization is difficult. I do appreciate Commissioner Giunchigliani's willingness to put this in a work group. I have had the privilege of working with her for many years, and there is nobody better at reaching out to stakeholders than she. However, as it is written, we are in opposition to the bill.

**Chairwoman Benitez-Thompson:**

Are there any questions for Mr. Hardy? [There were none.]

**Chris Ferrari, representing Associated General Contractors, Las Vegas Chapter, and Nevada Contractors Association:**

Videoconferencing from Las Vegas, I also have with me Sean Stewart, the Executive Vice President of the Associated General Contractors. We are here in

opposition to the bill as it is written. As Commissioner Giunchigliani alluded to, we have already reached out to her to express some of our concerns. We appreciate the intent of what she is trying to do to protect our members—the good contractors—who pay the wages and work in a fair manner. We appreciate that she is trying to protect taxpayer dollars on public works projects. We look forward to working with her and any others, at your direction, to clarify the intent of the bill.

**Sean Stewart, Executive Vice President, Associated General Contractors, Las Vegas:**

I will reiterate what Chris Ferrari has already said and what we have heard from others. We do appreciate the intent. I have spoken with Commissioner Giunchigliani and look forward to working with a work group as we go through this. I think that the Committee has effectively flushed out the issues that we see with this bill. I share Warren Hardy's concerns with the decentralization of the Labor Commissioner's Office. We are willing to meet and try to work through these issues. They are real and they affect our contractors. As it is currently written we are, unfortunately, opposed to this bill.

**Chairwoman Benitez-Thompson:**

Are there any questions from Committee members? [There were none.] Is there any other testimony in opposition? [There was none.] Is there anybody who would like to testify neutral?

**Thoran Towler, State Labor Commissioner, Office of the Labor Commissioner, Department of Business and Industry:**

I signed in as neutral, and what I want to do is explain some of the information that has been given today and be available to answer questions. I do appreciate everybody's kind words. I never know whether people appreciate what we have tried to do to fix these problems. These problems are real. They are problems that the office has had in its history. There are things that we are doing, but we have not increased our staff because, obviously, nobody has any money right now. That is one of the realities of the current economy. What we have done is started providing yearly training, and we created a training manual for the public bodies so that they can conduct investigations more quickly and effectively.

I am somewhat familiar with the example you were given of Clark County Fire Station 22 from 2010, though I was not the hearing officer on that case. That project was worked on in 2010. In May 2011 there was a complaint filed. That investigation was completed in March 2012, and was resolved in the autumn of 2012. That shows you that almost a year of that time was during an



investigation. Under our rules and regulations, investigations must be completed within 30 days. Historically, that has not been done.

Everybody who has worked with our office knows that when we submit a complaint from paid wages to awarding bodies, the investigations are not completed within 30 days. To try to fix that, we created a manual and did a yearly training in Las Vegas and in Reno. We plan to do that every year. We also have a rule that is in the training manual, which states that if an investigation cannot be completed within 30 days, then a maximum of a 30-day extension may be requested in writing. That helps speed up the process.

It is true that there were a lot of old cases when I started, and I did set all of those for hearing. We have not heard every one yet because sometimes these cases can be very complex. There are parties on every side represented by counsel and sometimes all counsels agree to ask for a continuance. For example, I was scheduled to hear a Las Vegas case this week, but the parties asked for a continuance. I agree that the cases should be heard more quickly.

There is a concern that companies that violate regulations are not being disqualified. We are disqualifying more. If you go to our website, you will find a link to all of the disqualified contractors. If an administrative penalty is levied against a company, and that is upheld by my office, then the contractor will be disqualified from bidding on public works projects for three years. That is a rather harsh penalty, and we have been enforcing it. It has gotten to a point where there are some companies that have tried to get our whole office to recuse themselves because they believe we will simply disqualify them. It goes both ways.

I would volunteer to be involved with any subcommittee if I am requested to be. Anything that is needed and any questions that remain, I would be happy to answer and to help in any way that I can.

**Assemblyman Elliot Anderson:**

One of the statements that I have heard is that folks do not think that we have been providing enough resources to the office. Do you feel that your level of support from the Legislature is adequate to do your job enforcing the NRS?

**Thorán Towler:**

As I have said, everybody is hurting for cash. I would like a lot more employees. For example, I gave a presentation to this Committee last week, and when I was asked to do the presentation, I was given a copy of a presentation the office had done ten years previously. As I flipped through that slide show,

I noticed that the office had two more employees than I have now. Many things have changed in the last ten years. There are many more people living in Nevada. We are constantly struggling to come up with creative ways to work with what we have. Any government agency would love to have more employees, resources, and funding, but I cannot tell you that I have any great ideas as to where that would come from.

**Assemblyman Oscarson:**

How long have you been on the job?

**Thoran Towler:**

It seems like I have been here for years, but I began this job on November 7, 2011. So, it has been a bit more than 15 months.

**Assemblyman Oscarson:**

You indicated that there was a backlog of complaints that your office was specifically handling. Could you estimate how many of those backlogged cases you have resolved? Could you tell what your plan is going forward, whether you will be able to adhere to that 30-day investigative process? In cases that have opened since then, have you been able to adhere to that time frame based on staffing levels and other aspects that you have indicated are of concern to you?

**Thoran Towler:**

I think it would probably be easier to focus on the public works side. When I started, we had close to 400 active cases. That is a lot. We receive between 200 and 250 cases a year. Often those cases involve multiple employees, so it is hard to give an exact number. That is how many complaints we received last year. All of the cases we have from the backlog have been set for a hearing. As I mentioned, I had a case set for this week, which would have been a weeklong hearing in Las Vegas. Other than that, I have a bunch set for after the legislative session ends because I plan to be busy here. All the backlogged cases have been resolved, through either me or my deputy in Las Vegas. We are the only two hearing officers, currently, so there has been a time limit issue. I can appoint another person as a hearing officer, and, in the long term, I would like my chief investigator in Las Vegas to be a hearing officer as well. As it is now, I am the hearing officer for almost all cases except for Clark County. I am the hearing officer for some of the Clark County cases, but my deputy hears most of the Clark County cases. That has created issues with time. We do have all of them scheduled, if not already resolved.

As far as the other part of your question related to the 30-day investigative process, the delay has been in the investigation, primarily. What happens is we

submit the complaint to Clark County for investigation, which is supposed to be limited to only 30 days. It could take much longer than the 30 days, which is why we have the requirement that if they need an extension, they can ask for it in 30-day increments to complete the investigation because some of these cases are very complex. After that, it is submitted to us. The regulation says we will schedule a prehearing conference. Once a prehearing conference is scheduled, we will have a hearing. After the hearing, I will issue an order within 30 days. We are fine on that scale. There might be some concerns once it gets to our office that we are not hearing the cases fast enough. I feel that we are. We are scheduling them as fast as we possibly can with the staff that we have. So, there is a concern there. Historically, I think what you are hearing from people is that once it was submitted to the Office of the Labor Commissioner, nothing happened for a very long time. When I started, I walked into the big office and found hundreds and hundreds of boxes of cases, and now they are resolved. So, we are trying to improve.

**Assemblyman Daly:**

I am hoping that you can explain the process on a typical NRS Chapter 338 case from the complaint, which you do, back to the awarding body, investigations, potential for taking more time, making a determination, the appeals process, and so on. People will start to figure out why it takes as long as it does; it is a due process deal. If you could explain that a little bit for us, I would appreciate it.

**Thoran Towler:**

I would be happy to explain that. It is a somewhat complex process, but I will try to be as clear as I can. The first step is that we receive a claim or complaint that somebody was not paid correct wages on a public works project. That complaint can come from the union, from the worker himself, or from a third party. At our office, we verify the complaint, making sure that it meets all the requirements of NRS Chapter 338. We make sure the complaint is signed. We check that it properly identifies a prevailing wage project. We make sure that the claim or complaint identifies the issue that needs to be investigated, whether it is a misclassification—where someone is not paid for the type of work that he is doing—an overtime issue, or an unpaid benefit issue, and so on. We make sure the complaint identifies the time frame when the alleged violations occurred.

Once we see that all those standards are met, we forward the complaint to the proper awarding body, for example Clark County. Then, they will investigate the case, so Clark County investigators would go and look at whatever the issue is. If it is a payroll issue, they can investigate and meet with the employees and the contractor to see what they can find out there. We also send copies of the

complaint to the contractor and the prime contractor on the project so that they are aware of the issue. That is where the awarding body has the 30 days to investigate unless they submit a written request for an extension. That is where the process can get complex because it can be hard to find some of the workers; it can be an issue of going through thousands of pages of documents. Certified payroll reports can be quite large. The reason we do the training now is that many awarding bodies had to cut much of their staff. It seems to me like many investigators were cut, or their pay was greatly reduced. There are some awarding bodies that shifted the responsibility of investigation to their attorneys, and those attorneys have a lot to do already.

After their investigation is complete, they arrive at a determination, which is submitted to us and sent to the other parties involved. If there is an objection to that, my office will review the objection. If it is a valid objection, either we can move forward for a prehearing conference or we can return it to the awarding body for further investigation. Sometimes the objection can say that the investigator is not looking at every issue or they did not talk to the right people, so we send it back for further investigation with specific instructions. After that, if there is an amended determination due to the further investigation, it will be submitted to us, and the parties can object at that time.

This is where I have tried to make a change. At that point, if there is a final or amended determination, historically, the office has gotten everybody together for a type of prehearing settlement conference. That is not required, and I have, in some cases, eliminated that. It is no longer a mandatory thing that we do. It sometimes does help to get everybody together—the claimants, the workers or their representatives, and the employers—to say it looks like these workers may have been misclassified and then give the employer a chance to resolve the case. That is a good way to get people money quickly. However, there are some situations where we need to move forward. Some contractors need to be disqualified. If we have that settlement conference and the issue is not resolved at that point, then we move forward to a prehearing conference. At the prehearing conference, we are required to narrow the issues for the hearing. We are required to give the parties an opportunity to settle. Usually, if there has been a settlement conference and the parties have not agreed, then I will tell them to meet for five minutes and tell me whether they want to settle the case.

The last thing we do is schedule a hearing. After we have the hearing, which is scheduled as soon as I possibly can, I have 30 days to issue a final order. The final order could disqualify the contractor as administrative penalties are issued. At that point, the final order is appealable to the Nevada district courts.

**Assemblyman Daly:**

There are a few items that I would like to touch upon. There are two appeals processes; one is after the awarding body makes a determination and one is after the Labor Commissioner makes a determination. It also gets complicated with issues where somebody comes with a complaint or a group comes and says that something should be one way or another. Interveners come in because someone has a different point of view. There are also schedules with briefings and those sorts of things. There is a way to try to calculate some of this.

The other thing that came up is about the penalties and various things. There are really three things for the investigation to determine. You have the issue of whether the employee was paid correctly and given proper benefits. Usually, those are a little easier to do, and they are done more quickly, at least that has been my experience. The second issue, then, is on the forfeitures, which are supposed to be automatic under NRS 338.060 and NRS 338.070. They are up to \$50 a day, depending on the licensing limit in the contract of the contractor. Those are forfeiture to the awarding body; they are automatic unless waived by the Labor Commissioner at a hearing. I think that is where some people have their problem, and that is the only way that awarding bodies, such as Clark County, can recoup some of their costs. The third is administrative penalties, which come with automatic debarments. That is where the Labor Commissioner's discretion comes in. Some of these issues can be fixed. Those are the processes. Are those the three areas of money that come as penalties?

**Thoran Towler:**

That is correct. Those are the three main processes.

**Chairwoman Benitez-Thompson:**

I appreciate that detail. Are there any additional questions for Mr. Towler? [There were none.] Is there anyone else giving testimony in neutral. [There was no one.] I will close the hearing on A.B. 37. I will open the hearing on Assembly Bill 99.

**Assembly Bill 99: Enacts the Revised Uniform Law on Notarial Acts.  
(BDR 19-1)**

**Assemblyman James Ohrenschall, Clark County Assembly District No. 12:**

I am here today as not only an Assemblyman, but I also have the privilege to serve as a commissioner from Nevada on the National Conference of provisions that were promulgated by the National Conference of Commissioners regarding the revised uniform law on notarial acts. Many people do not know much about

the National Conference of Commissioners. The organization has been in existence for almost 120 years. Their goal is uniformity in state statutes where it is appropriate. Included in their many major achievements are the uniform commercial code, uniform probate code, uniform anatomical gift act, and many other uniform acts. Though you would not know it, this uniformity makes peoples' lives easier because of the lack of variation among the different state statutes, whether it is child custody or other issues like that.

I am one of four active commissioners who are also legislators, at this time. My fellow commissioners are Assemblyman Horne, Senator Brower, and Senator Roberson. We have other commissioners from Nevada, and one of them who is with me today is former state Senator Terry Care, who holds a national office with the Uniform Conference. In addition, Nicole Lamboley from the Office of the Secretary of State is with me today.

There are some changes being proposed in this bill, but they are changes that I consider friendly. I would like to introduce former Senator and Commissioner Care.

**Terry J. Care, Commissioner, National Conference of Commissioners on Uniform State Laws:**

The writing of this bill is a pro bono legal project, and I received my commission following the 1999 Session. Brenda Erdoes, Kevin Powers, and Brad Wilkinson from the Legislative Counsel Bureau (LCB) are Uniform Law Commissioners, and we have two commissioners from the University of Nevada, Las Vegas. So, it is nonpartisan. We do not have any political agenda. We try to identify issues that we think might lend themselves better if there were some sort of uniformity so that everybody plays by the same rules across state lines absent some sort of Congressional action. That is what we do.

A uniform act does not simply become a uniform act. Usually there is a study committee appointed in which some commissioners will study an issue for two years and make a determination as to whether there even ought to be a uniform act. If they make that recommendation and it is adopted, then there is a two-year process to draft a uniform act. It is a lengthy process.

The original uniform law on notarial acts was promulgated in 1982. It was adopted in several states, including Nevada. The feeling was that we have transactions across state lines and there ought to be some uniformity as to how we have documents notarized. Since 1982, we have seen an increase in transactions across state lines, oftentimes involving lending transactions. We are also getting into electronic transactions. As a result, the Commission on Uniform Laws decided that we needed to revisit the issue and see if we need to

make changes to the 1982 act. They decided the time had come to do that, and the product was Assembly Bill 99, the Revised Uniform Law on Notarial Acts. Since 1982, specific to Nevada—I do not remember what year Nevada adopted the original act—Nevada has done something that some other states have done as well, and that is that they recognized these growing transactions, such as electronic transactions, and the need to make changes ([Exhibit C](#)), ([Exhibit D](#)), ([Exhibit E](#)), ([Exhibit F](#)), and ([Exhibit G](#)).

The Secretary of State's Office had to come to the Legislature first, as requested, and the Legislature has granted certain changes in *Nevada Revised Statutes* Chapter 240, which governs notarial acts and notaries public. The Legislature has made changes along the way, so much so that many of the provisions contained in A.B. 99 already exist as law in Nevada, except the language does not read the same, word for word, in many cases. It does substantially so, but I have discussed this with Ms. Lambole, and made the determination that because the language that the Office of the Secretary of State sought changes to years ago has worked well enough for that office, we do not want to disturb it. However, there are provisions in A.B. 99 that the Secretary of State would like to have enacted into law. Where we are is that the amendment, which came from the Office of the Secretary of State—and I do not know if you have had trouble reading it. I think I understand what Ms. Lambole wants to do, which is to say no, we are not going to change existing language in NRS 240.161 through NRS 240.169 and elsewhere, but we are going to take certain provisions of your act and ask the Legislature to go ahead and make those changes for us because our office needs those. We support that. For example, in section 17 there is a provision about notarial acts undertaken by someone recognized by law of a federally recognized Indian tribe or nation inside or outside a particular state. The Secretary of State would like to have that. It is in the revised act. Section 15 goes to how you notarize a signature for somebody who is physically incapable of signing a document. The revision of the uniform act addresses that. As I understand it, the Secretary of State would like to see that as well. Section 33 addresses prohibited acts where the notary is notarizing a document where the person appearing before the notary is a family member, maybe a spouse, who has a direct financial interest in the underlying transaction. In 2009, Nevada recognized domestic partnerships as a legal relationship, making it necessary to make that change in that provision of existing law. That is something that the Secretary of State also wants to do. What it really comes down to is that there is no point for me to go through this act section by section. I think I have explained what we are trying to do. It is greatly reduced, with few provisions, and that is what I think the Secretary of State would like to have.

**Nicole J. Lamboley, Chief Deputy, Nevada Secretary of State:**

As Assemblyman Ohrenschall and former Senator Care indicated, we did adopt the uniform act in 1993, and since that time, there have been substantial changes to Nevada law to strengthen areas where we have found issues or policy decisions that this body has made regarding notarial acts in the state of Nevada. I provided two amendments for you ([Exhibit H](#)) and ([Exhibit I](#)). One was the original bill with the language struck out as well as the language that we would like to keep. Then what we did in the amendment was take the existing law, and insert similar, if not exact, language from Assembly Bill 99. It may be a little convoluted, but I would be happy to give you a little overview. We do add some definitions to *Nevada Revised Statutes* (NRS) 240.001, defining "state" as provided in the revised uniform act. We define domestic partners pursuant to current state law. We also define the term "personally known" to either a notary public or notarial officer pursuant to NRS Chapter 240. We indicate that a person means a natural person who appears before a notary public or a notarial officer. A few other changes in the amendment include indicating "sworn to," and "witnessed or attested to" related to domestic partners as prescribed in law. As former Senator Care indicated, we also recognize a person authorized by the law of a federally recognized Indian tribe or nation in the bill. We also address whether a person who is physically unable to sign a record may direct a person other than the notarial officer to sign their name on the record, and how that process would work. There are also a few provisions in A.B. 99 that repeal current Nevada law, and we would like to retain those in NRS Chapter 240 because they give us some jurisdiction that we feel the Legislature authorized and is necessary. One is related to apostilles, which is the authentication of documents that come before our office. With that, I will answer any questions related to notarial acts or the amendments before you.

**Chairwoman Benitez-Thompson:**

Thank you for walking us through that. Committee members, you would have received a couple of amendments last night. The bill's sponsor is in support of these two amendments coming from the Secretary of State. For ease of reading, what Ms. Lamboley is referring to is the second four-page document ([Exhibit I](#)), and that they will work on getting amendments drafted and the bill coming in the right form. This four-page document is what you want to be referring to as to what the intent and the spirit of the bill will be. Are there any questions from the Committee?

**Assemblyman Daly:**

In the original bill, but it has changed more than slightly in your draft, I had a question of the definition of a person that was in the original bill. I wanted to see if that matched what the definition of a person is in general law for the



state. In your change, you said a person was going to be defined as a natural person. The way I was reading that is that there are two ways, so who is coming to the notary or who the notary is. That is where there is confusion. The way I first read it, the definition of a person is someone who might come to have something notarized and all of those entities may do it. There is an actual, physical person who will come do it, but they are on behalf of an entity of some kind. I do not know if there is confusion there or not. Then when you are referring to a natural person, is that the person who is actually appearing or the actual notary? There was confusion there.

On the part that we added in—and I do not know if you took it out in your amendment—about the degrees of affinity and the relationships. It says that if somebody does that in violation, the way I read the original bill, in section 10, it would be voidable, but not necessarily void, but a person could challenge it as addressed in section 26. I do not know if you changed that or not.

Do we currently recognize other states and countries and their laws and rules, whatever they may be, for notarizing?

**Nicole Lamboley:**

In answer to your last question, yes, we do recognize. We did change person to not include a corporation or an artificial person, because it is the person who is signing the document. It is the current policy that it is a natural person who appears before the notary and is signing as a person, as opposed to potentially an artificial person who you do not know who that is other than a corporation. I have not heard back from the Attorney General's Office, but given some of the issues with robo-signing, we felt it should be having a natural person who can be identified.

**Assemblyman Daly:**

When you put in the definition of a person, we need to make a reference of whom we are referring to, and maybe you need to qualify for the purposes of this law that that is the definition of a person. We use the term "person" many other places in many other statutes, and there is a general law that defines person. I would not want someone to take your definition and try to apply it in other laws. That is the only concern that I had. If you would look at that and answer that question, that would be great.

**Nicole Lamboley:**

In the proposed amendment, we say it is a definition pursuant to this chapter of NRS 240.001. It means a natural person who appears before a notary public or a notarial officer, so it is specific to this chapter.

**Assemblywoman Neal:**

I would like some clarity on section 19, page 6, lines 26 through 31. In your mock-up, you have it struck out. Reading NRS 240.165, it already has similar language, so I was trying to figure out why you struck section 19. Is it because it is already stated in statute?

**Nicole Lamboley:**

We want to retain current law. We do not feel that the changes in A.B. 99 are necessary since they might create confusion in the statute. As former Senator Care said, some of the language is similar but written differently, so we felt that current law addresses the concerns.

**Assemblyman Elliot Anderson:**

One of the things that I noticed in the uniform law documents that were attached as exhibits is that it was contemplated to prohibit the term "*notario publico*." I know that is a problem in Las Vegas; we have folks who get confused about what a notary actually is. That term denotes a different legal profession in Mexico; it has caused some confusion. Is there a reason that was not in the original bill or the mock up?

**Nicole Lamboley:**

We do have law governing the use and the advertisement of the term "*notario publico*" in the state of Nevada. You cannot advertise using that term. If you are not an active member of the Nevada State Bar, it is illegal to use that name and there are both civil and criminal provisions in the law related to that. We have enforced the use of that term.

**Chairwoman Benitez-Thompson:**

Are there any additional questions from Committee members? [There were none.] I will open the microphone to anyone else who would like to give testimony in support of A.B. 99 here and in Las Vegas. [There was no one.]

**Assemblyman Ohrenschall:**

I do not have any more witnesses in support, but I wanted to thank you for giving me this opportunity. Again, it looks like with former Senator Care's help, we will be able to work with the Secretary of State, and certainly not adopt everything that the Commissioner has promulgated, but take out what will work with Nevada's already existing statutes. I appreciate the Committee's consideration of this bill.

**Chairwoman Benitez-Thompson:**

Is there any testimony in opposition in either Carson City or Las Vegas? [There was none.] Is there any testimony in neutral?

**John Pappageorge, representing County Clerks Association of Nevada:**

The position of the County Clerks Association of Nevada is neutral.

**Chairwoman Benitez-Thompson:**

Are there any questions for Mr. Pappageorge? [There were none]. I will close the hearing on A.B. 99. Is there any public comment from Las Vegas or Carson City? [There was none.] This meeting is adjourned [at 9:43 a.m.].

RESPECTFULLY SUBMITTED:

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Jennifer Dalton  
Committee Secretary

APPROVED BY:

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Assemblywoman Teresa Benitez-Thompson, Chairwoman

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

**EXHIBITS**

**Committee Name:** Committee on Government Affairs

**Date:** February 20, 2013

**Time of Meeting:** 8:05 a.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
A.B. 99	C	Terry J. Care/ National Conference of Commissioners on Uniform State Laws	Act Summary
A.B. 99	D	Terry J. Care/ National Conference of Commissioners on Uniform State Laws	ASN Support Letter
A.B. 99	E	Terry J. Care/ National Conference of Commissioners on Uniform State Laws	NNA Support Letter
A.B. 99	F	Terry J. Care/ National Conference of Commissioners on Uniform State Laws	PRIA Support Letter
A.B. 99	G	Terry J. Care/ National Conference of Commissioners on Uniform State Laws	Why States Should Adopt
A.B. 99	H	Nicole J. Lamboley/Office of the Secretary of State	Bill Mock-Up
A.B. 99	I	Nicole J. Lamboley/Office of the Secretary of State	Proposed Amendment