

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

**Seventy-Seventh Session
May 1, 2013**

The Senate Committee on Government Affairs was called to order by Chair David R. Parks at 1:41 p.m. on Wednesday, May 1, 2013, 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 David R. Parks, Chair
Senator Pat Spearman, Vice Chair
Senator Mark A. Manendo
Senator Pete Goicoechea
Senator Scott Hammond

GUEST LEGISLATORS PRESENT:

Assemblywoman Irene Bustamante Adams, Assembly District No. 42
Assemblyman Joseph M. Hogan, Assembly District No. 10
Assemblywoman Marilyn Kirkpatrick, Assembly District No. 1

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Heidi Chlarson, Counsel
Suzanne Efford, Committee Secretary

OTHERS PRESENT:

Gary Milliken, Associated General Contractors, Las Vegas Chapter
Craig Madole, Nevada Chapter, Associated General Contractors, Inc.
Paul McKenzie, Northern Nevada Building and Construction Trades Council
Jack Mallory, Southern Nevada Building and Construction Trades Council
Gus Nunez, P.E., Administrator, State Public Works Division, Department of Administration
Priscilla Maloney, American Federation of State, County and Municipal Employees, Local 4041

Senate Committee on Government Affairs
May 1, 2013
Page 2

Keith Munro, Assistant Attorney General, Office of the Attorney General
Barry Smith, Director, Nevada Press Association
Jennifer DiMarzio, Nevada Press Association
Elizabeth MacMenamin, Retail Association of Nevada
Paula Berkley, Board of Occupational Therapy; State Board of Physical Therapy
Examiners
Vanessa Spinazola, American Civil Liberties Union of Nevada
Erin McMullen, Las Vegas Metro Chamber of Commerce

Chair Parks:

We will open the hearing on Assembly Bill (A.B.) 281.

ASSEMBLY BILL 281: Revises provisions relating to recordkeeping on public works projects. (BDR 28-1070)

Assemblyman Joseph M. Hogan (Assembly District No. 10):

Assembly Bill 281 is intended to provide an opportunity for all State agencies to participate positively in the approximate 50- to 60-year effort in this Country to achieve a better balance of employment opportunities for all minorities. I have submitted a history and introduction of A.B. 281 ([Exhibit C](#)).

I have had the opportunity to work in that field for several decades. I find it stimulating. Every success, and I hope this is another one, in that series of successes is wonderful for our Country.

The bill provides a standardization for collecting information from contractors and subcontractors on their employees for all public works projects throughout the State.

Assembly Bill 281 provides transparency in government by showing exactly who is being hired and paid to work on public works projects. Those employees reflect the diversity we enjoy in our statewide workforce.

The bill provides the State with the ability to track trends in hiring for public works projects in Nevada. This information will allow us to adjust to changing populations, demographics and gender information that we do not have. As the needs of the State change, we can easily gauge whether the hiring trends for public and private workers are in place correctly.

There are no quotas or numerical goals in its data collections, but it holds faith in the idea of transparency and the use of accurate data to support the hiring practices of contractors and subcontractors based on the reality of our State and local populations.

This began a couple of years ago when I approached the leaders of the Nevada Department of Transportation (NDOT). I noted that NDOT had one of the largest hiring opportunities of any State entity through road building and other activities. It would be a source of pride for the State if the NDOT rose above other State and federal agencies that have been working for some years to ensure they are using the American workforce at a fair level. The leaders of NDOT readily agreed to that. The prime and subcontractors on a large 2-year highway project were cooperative and successful in their efforts during that project to hire a workforce representative of the natural distribution of members of different races and genders.

All of us who had the privilege of working, participating and observing that project were gratified by the results. Because of that, I approached the leaders of NDOT to ask if they would like to consider supporting a bill giving other State agencies the same opportunity to contribute to this wonderful result. They were agreeable and with that encouragement, this bill is now before you. It is a good bill and I am proud to bring it to you. I have submitted written testimony on A.B. 281 ([Exhibit D](#)).

To my knowledge, California may have something similar, but this bill of ours is more thorough. It has careful measurement devices which will allow us to determine how well our contractors and we are doing. Through my experience of enforcing some of these rules, it is good to let people point with pride to what they have achieved. It lends an air of success to the whole operation. We want that to be part of the gathering of data, contractor by contractor, praising them if appropriate and encouraging them if necessary.

Gary Milliken (Associated General Contractors, Las Vegas Chapter):

The Associated General Contractors worked on A.B. 281 with Assemblyman Hogan, and we support it.

Craig Madole (Nevada Chapter, Associated General Contractors, Inc.):

We, too, support this bill.

Paul McKenzie (Northern Nevada Building and Construction Trades Council):
We also support this legislation.

Senator Hammond:

To your understanding of the bill, where section 3, subsection 4, paragraph (a) says that the subcontractor and contractor shall "inquire of each worker employed by the contractor" In what manner do they ask? Is there something on an application that must be filled out, and if it is not filled out, then that means it is done and over with? You do not ask why the person did not fill out the whole application?

Mr. Madole:

Our understanding is that paperwork would be provided to the employee, and he or she could opt out of asking the question. If the person opts out, that would be retained as the reason. However, the person does not necessarily have to provide a reason why he or she feels uncomfortable providing that information. Opting out is enough.

Senator Hammond:

If the person does not fill it out, you do not press further.

Mr. Madole:

Yes, but our hope is that we would not be put in that situation.

Senator Hammond:

The bill does not say you should follow up. It just says you shall inquire and that one application is the inquiry.

Mr. Madole:

That is our understanding. We support this part of this legislation. It does not put an employee in an uncomfortable situation in which he or she has to justify his or her position.

Senator Hammond:

The bill says shall not compel or coerce.

Chair Parks:

For the most part, when a piece of paper is put in front of people asking them to comply, most do comply.

Senate Committee on Government Affairs
May 1, 2013
Page 5

Jack Mallory (Southern Nevada Building and Construction Trades Council):
We support A.B. 281.

Chair Parks:

The fiscal note shows no cost to any governmental entity.

Senator Spearman:

Once you collect the data, does it go into a database?

Assemblyman Hogan:

The information will be recorded by each employer. It will be made available to the contracting government agency in order to identify what the numbers indicate regarding women and minority workers. It will be kept by the agency as part of its record of the progress of the project. I have submitted an example of that report ([Exhibit E](#)).

We do not anticipate any further publication or circulation of that data. If we get a freedom of information request, we will do what we can. There is no desire or will to circulate that information either to the credit or detriment of an employer. That is not part of it.

From previous experience, the enthusiasm of the contractors was inspiring. The cooperation of organized labor was consistently good on each project. We do not want to cause problems for anyone. We like the results and the diversity shown by the participation rates. We want that to continue, improve and give our agencies a chance to rise above everyone doing construction and other public work.

Chair Parks:

We will close the hearing on A.B. 281 and open the hearing on A.B. 59.

ASSEMBLY BILL 59 (1st Reprint): Revises various provisions relating to the State Public Works Division of the Department of Administration.
(BDR 28-282)

Gus Nunez, P.E. (Administrator, State Public Works Division, Department of Administration):

I have submitted written testimony explaining the provisions of A.B. 59 ([Exhibit F](#)).

The State Public Works Division creates a monthly exception report, which is reviewed by the Interim Finance Committee (IFC). The report outlines issues on any project regarding scope, budget, schedule and other items required to come before IFC.

Originally, we were reporting on all of the projects, and the information became so voluminous that no one was looking at them. Usually when creating the full report, we would have approximately 180 active projects. Finally, Legislators decided that they want to know if something has arisen on a project not anticipated upon project approval. Therefore, we are only reporting on that now.

In addition, on a yearly basis, we are providing a full report on all of the projects. Section 14 removes only one of the reports. That one report was duplicative of the reports we are doing now. We would still be providing the annual report and the monthly exception report.

Priscilla Maloney (American Federation of State, County and Municipal Employees, Local 4041):

In the original hearing, Amendment No. 410 to A.B. 59 was of concern to the American Federation of State, County and Municipal Employees because our mission is the safety and welfare of State workers and their work sites. Due to budget cuts and constraints, some of the building inspections, if not all, at the Nevada System of Higher Education (NSHE) were being done by NSHE by default. When Public Works could not get the inspections done, NSHE was doing it. The only information we had at that time was that NSHE had outsourced building safety inspections.

Nevada Revised Statute (NRS) 341.128 provides that not only is the Public Works Division supposed to conduct the inspections, but a report also goes to the Legislative Commission. Therefore, we raised concerns. The Assembly Committee on Government Affairs and the sponsors of the bill graciously worked with us, and that section has been deleted. We are now in support of the bill as written.

Chair Parks:

We will close the hearing on A.B. 59 and open the hearing on A.B. 65.

ASSEMBLY BILL 65 (1st Reprint): Revises various provisions relating to open meetings. (BDR 19-402)

Keith Munro (Assistant Attorney General, Office of the Attorney General):

The Nevada Open Meeting Law promotes transparency in government. The Legislature sets the parameters and guidelines, requiring that governmental meetings be open to the public. The Legislature has designated the Office of the Attorney General to enforce its Open Meeting Law. Our Office enforces the rules that the Legislature sets for us.

We have provided documentation on the outcome of the rules you have asked us to enforce. As you can see from the handouts ([Exhibit G](#)) provided, since 2000, our Office has handled 700 complaints for an average of 53 complaints a year. Between 2007 and 2009, we investigated an average of 49 complaints a year. Thirty-six percent of the complaints filed during each of the years between 2007 and 2009 resulted in the finding of a violation. During the last 3 years beginning January 2010, the Attorney General (AG) has investigated 140 complaints, an average of 46 complaints each year and an average violation rate of 27 percent.

We publish that information so everyone knows what is happening in these cases. We do that because the Open Meeting Law invokes much emotion from both the public and public bodies.

We had much input on this bill, and by input I mean frank discussion. Input is a good thing because it shows us that the rules regarding the Open Meeting Law are not clear. Therefore, the policy makers of our State need to provide further guidance.

There are issues about whether members of a public body can appear at a public meeting by message board and whether an entire meeting can be conducted by message board or in a chat room. How did this question arise? What it means to be present at a meeting for a member of a public body has never been statutorily defined; therefore, we are defining it. A baseline of what it means to be present needs to be set forth because of emerging technology. New technology such as Internet message boards and chat rooms should not be used to circumvent the Open Meeting Law.

Section 5 of A.B. 65 clarifies that when a member of a public body participates in a meeting by teleconference or videoconference, the public must be able to hear every member's remarks and follow the discussion in the meeting.

Section 3 deals with the issues of designees for members of public bodies. This issue arises when someone is designated to serve in place of a member for a public meeting. The issue has been interpreted and implemented very differently by public bodies throughout the State. Because of divergent views, legislative guidance is needed.

It would be easier for all involved to pass a law saying there can never be a designee. That way there will never be an issue regarding designees. However, public bodies often do important work. Public bodies need quorums. Everyone is busy. People sit on multiple boards. If you do not have a quorum, the public body cannot take the action that may need to be taken. All of that explains why some public bodies may need to appoint or designate another person to serve on a public body, sometimes temporarily or maybe permanently.

The statutory guidance is not clear as to when and whom a member of a public body can appoint a designee. The statute should clearly describe the parameters of a designee's appointment and the designee's authority once seated on a public body.

Our proposal sets forth four simple but necessary requirements. The designation or appointment may not be made unless the public body's creating authority expressly authorizes a designation. Any designation and its purpose must be in writing or made during a public meeting. Any person so designated is a member of that public body for purposes of determining a quorum at the meeting. Such designee is entitled to exercise the same powers as the other members of the public body. We have suggested these parameters. If there are better parameters, we are all ears. These rules need to be cleaned up.

Section 4 is intended to provide clarity for public bodies and further the goal of ensuring corrective action by the public body must be done in the full view of the public. The vast majority of people who serve on public bodies governed by the Open Meeting Law are good people and people who are serving because they want to serve their communities.

Sometimes when an issue of an Open Meeting Law violation arises, the first thing those good people ask is how do we fix it? Section 4 provides the road map for corrective action because there is none now.

The public body must say in its next agenda that a corrective action is necessary so the public knows what has happened and what is to be corrected under the Open Meeting Law requirements.

When there is a potential violation of the Open Meeting Law, the Legislature has designated there can be a potential crime. To encourage public bodies to comply with the Open Meeting Law and to take corrective action, section 4 makes clear that any corrective action cannot be used against a public body in a civil or criminal case as an admission of guilt.

We will help the situation if we give the good people serving on these boards a pathway for fixing possible violations and potential problems. It will allow them to focus their energies on carrying out the good work they intend to accomplish.

Section 7 is intended to improve partially on the transparency of an open meeting. This applies only to a governing body of a city or county whose population is 45,000 or more.

Several years ago, the AG began a comprehensive review of the Open Meeting Law with the assistance of a task force comprised of members of the public, news media, elected state and local government officials and other interested groups. They had lively discussions. Some of those people are here today.

Sections 7 and 8 have been drafted based upon a consensus within the task force that application of the requirement to upload supporting materials should begin with governing bodies of counties and cities with populations greater than 45,000. We have been informed that these political subdivisions already upload their governing bodies' supporting materials to their Websites. Therefore, this amendment will get the ball rolling. We need to start moving in the direction of having all entities upload their supporting materials.

Electronically, we are not there yet. With progress in technology, we will get there. Other public bodies may voluntarily start uploading supporting materials and many already have though not required to do so by sections 7 and 8.

Sections 7 and 8 specifically amend NRS 241.020 to require that certain public bodies upload supporting materials to their Websites at the same time that the supporting materials are provided to the members of the public bodies.

Based on discussions, I need to alleviate concerns. There is no intent to require or mandate that once a public body uploads supporting materials, it must then electronically send them to anyone on request.

Section 7, subsection 7 does not require electronic transmissions of supporting materials. Section 7, subsection 8 only requires a public body, which is required to upload supporting materials under amendments found in subsection 7, to inquire of a requestor if he or she would accept by electronic mail a link to the public body's Website where the materials have been uploaded.

The law does not contain a mandatory requirement to send supporting materials to anyone who might request them nor do we intend, with these amendments, to insert a mandate to do so. This proposed amendment also does not alter the statutory requirement that before the meeting a public body must make available, over the counter, a copy of supporting materials upon request at no charge.

Section 2 has been transformed by the Assembly Committee on Government Affairs. The intent was to put into one place all of the current statutory exceptions for the Open Meeting Law. Section 2, subsection 3 does not contain that list anymore. In its place is a general exception for certain public bodies' activities based on any provision of law that provides for exemptions for meetings, hearings and other proceedings.

Our original proposal was intended to make it easier for members of the public and the Legislature to know what is exempt from the Open Meeting Law. That way you get a clear picture of the public policy. Essentially, either you are on the list or you are off the list. That did not make it through the Assembly, but that might be something we come back with next Session.

Section 2 was amended in the Assembly Committee on Government Affairs and we will accept that amendment.

Section 6 of A.B. 65 also codifies the definition of "deliberate." The linchpin of the Open Meeting Law is whether a public body is deliberating the public's business. Deliberate has never been defined in statute. Section 6 was an effort to codify the definition of deliberate—a definition set forth by the Nevada Supreme Court.

The Open Meeting Law is a criminal provision. You could be found guilty of a crime for failing to follow it. That is the public policy standard the Legislature has set for the Open Meeting Law. It had never defined deliberate in statute. It would be difficult to convict anyone of a crime when the crux of what a public body cannot do is not defined or explained.

The Nevada Supreme Court had developed a definition. We were proposing to place that definition into statute. We did that in the Assembly. There was concern about that definition. Some people did not like it and had not liked it for quite some time, and no one had brought that to the Legislature. The Assembly Committee on Government Affairs asked us to work with several entities to work on a definition. We developed a definition and presented it to the Assembly Committee on Government Affairs. The Committee members did not like the agreed-upon definition, came up with their own and placed it in the bill.

We do not want to go back on the deal we reached with the entities. We worked hard on that, but it is clear to us that the members of the Assembly Committee on Government Affairs worked very hard on the definition they developed, and it is workable. It is an improvement upon no definition.

I have submitted a letter from the AG requesting your support of A.B. 65 ([Exhibit H](#)).

Senator Spearman:

Technology is always evolving, and we probably cannot enumerate all of the possibilities. Is there a phrase or something that would capture that?

Mr. Munro:

That was a question raised in the Assembly Committee on Government Affairs. We were not able to create one. We decided to use the existing informal definition, which is that people appear sometimes for a public meeting by teleconference; therefore, we put that in as the baseline of what is acceptable. If something else later may be acceptable, the Legislature can intervene. At this point, we were not able to do so. However, since there was no definition of what it means to be present at a meeting, people were asking if a meeting could be held by chat room. We did not think so. We stayed with the existing practice and decided to make that the baseline.

Barry Smith (Director, Nevada Press Association):

We support A.B. 65. There was some give and take. Overall, it helps clarify and improve the Open Meeting Law and covers some things formerly in doubt, in particular, defining deliberate. Much of section 2 on page 3 is a rewrite from statute that helps clarify the intent of the Legislature. An important paragraph for me is that the exceptions provided in section 2, subsection 4 must not be used to circumvent the spirit or letter of this chapter to deliberate or act outside of an open and public meeting.

Assembly Bill 65 also clarifies how people get access to supporting materials for a meeting. In general, the Open Meeting Law evolves from session to session, and this is a worthy addition to the statutes.

Jennifer DiMarzio (Nevada Press Association):

I also support A.B. 65.

Elizabeth MacMenamin (Retail Association of Nevada):

We support A.B. 65. This clarifying language also improves the transparency of public body meetings. Our members are often required to follow the regulatory bodies. These bodies often make changes to regulations that impact our members' businesses. These changes in the law make the process simpler and easier and give members an opportunity to participate in these public hearings.

Chair Parks:

We will close the hearing on A.B. 65 and open the hearing on A.B. 445.

ASSEMBLY BILL 445: Revises provisions relating to the posting of notices for public meetings. (BDR 19-1121)

Assemblywoman Marilyn Kirkpatrick (Assembly District No. 1):

The motivation behind A.B. 445 is to find a one-stop shop where we can get notifications of meetings. During the interim, I found it hard to locate the workshops for regulations. Unless you have some secret password, you cannot find them anywhere. Many boards do not require teleconferencing. For example, I had to search everywhere on the Department of Taxation's Website to learn the meeting schedule for the Committee on Local Government Finance.

We looked to Oregon for the different legislative options that state offers, and we wanted to use some of its procedures. I went on the Oregon Website. It has

a calendar of public meetings which allows a person to trace all of the calendars for local governments and others. Many times, what we do in the Legislature goes before local governments, and they interpret our processes or what they think we said. Access to those meetings would be helpful. It would allow all regulatory meetings to be in one place so someone could review and trace them on a regular basis.

There is no fiscal note on this bill. It gives us better access. The Open Meeting Law requires notices be posted at the post office. A Legislator could travel to every post office and library within his or her district and find all of those meetings. This measure would give better transparency and be easier for Legislators to review. That is the crux of the bill.

Assembly Bill 445 amends the Open Meeting Law to require the posting of notices on a central Website created by the Department of Administration for easy access. This is important, especially at a time when we have spent approximately \$250 million to date on bringing our systems up to par. Therefore, it is a perfect time to start working in that direction. The bill requires the Website be up and running a year from July 1.

Senator Spearman:

Would you be willing to support an amendment to include other information that State agencies have for consumers and not just for open meetings?

Assemblywoman Kirkpatrick:

Yes, I am all about transparency and putting as much information as possible on the Website. That is how people find things now.

Senator Goicoechea:

The Department of Administration plans to make this Website available. How would a small, rural government get its notices posted? Would it call or email the notices to the Department of Administration? Of course, that would have to be done 3 days prior to the meeting.

Assemblywoman Kirkpatrick:

Typically, most governmental sites or facilities already post hearing notices. We discussed a local link, which would allow someone to pull up all of the agendas and just put them onto one calendar. Someone could call or send a fax or an

email containing the meeting information and request to have it posted to a particular calendar. It would require all of us to work together.

Oregon has had much success. Open meeting violations have decreased, and people feel more comfortable about goings-on. For the smaller entities, it is easier for people to go to one Website and find what they need.

Senator Goicoechea:

It makes sense. I know what you are trying to do. I want to make sure that it would be open and accessible for some of the small public bodies.

Assemblywoman Kirkpatrick:

I always think about how accessible it could be for Carlin when I do this type of legislation. The idea is that local governments could send their information in so anyone could have access. Everyone could know the goings-on and what is on his or her agendas.

Senator Goicoechea:

I am not so worried about Carlin because it has a mayor. Some smaller communities have only two of the possible five members on their town boards. Those would struggle. Is it correct that if they were unable to post their notices, it would be a violation of the Open Meeting Law?

Assemblywoman Kirkpatrick:

That is correct. However, most entities are headed that direction as opposed to posting notices in newspapers across the State. Local governments are looking to save dollars. This is workable even for newspaper media types because they may access it too.

Senator Goicoechea:

I would agree. The press would definitely like it. They use the one-stop shop. I am nervous about those small, somewhat dysfunctional boards. What would the penalty be if the notices were not posted?

Assemblywoman Kirkpatrick:

Interestingly enough, I did not hear from one local government or the Nevada Association of Counties or the League of Cities and Municipalities when this bill was presented. I have an accessible office. I am all about amendments and making it work. I am not comfortable with amending people out because

we never get them back. However, there could be a way to change the time to 2 days before the meeting, or something just to give smaller entities more time. They still have to meet their 3-day requirement on their regular postings. I wanted to keep it consistent.

Senator Goicoechea:

I am concerned about the penalty if they do not get the notices on this Website. In addition, I am concerned about some little mosquito district somewhere. It has to comply, and if the notice is not posted, what is the penalty? Does that automatically throw the district into an Open Meeting Law violation where it has to do it over again?

Entities are required to come forward and have another meeting and state what actions were taken. I am anxious about getting some of those small entities that we have problems with to comply.

What is the penalty? Technically, we would revert to A.B. 445, which we just heard.

Assemblywoman Kirkpatrick:

There is a penalty already in statute, and everyone is subject to the Open Meeting Law in NRS 241. An open meeting study in 2009 spent a lot of time on that. Since there already is a penalty, it is just one extra step. The AG's Office has to make a finding, and if any action was taken, the entity may have to repost the notice and hold the meeting again.

I am happy to work with you and contact some of the smaller entities to understand their processes.

Senator Spearman:

The technology has advanced so much that it only takes 2 or 3 minutes. If you put a person in charge, then that person can make it a habit.

What you said earlier that it saves a lot of money is really the crux or the beauty of this. With money the entities save, maybe in 2 years they can hire computer technicians and not have to worry about it.

Chair Parks:

I have a story to tell about why this would be helpful. Some years ago, I worked in the Clark County Manager's office, and one of my areas of assignment was Sandy Valley. Sandy Valley had a citizen's advisory council and had to post its notices. There is only one public building in Sandy Valley. However, the requirement was that it had to post notices in three locations. The notice was posted on a fence post adjacent to a cluster of mailboxes. I got a call complaining that the posting notification did not take place; however, the notice obviously blew off the fence post—considered one of the three required locations—several days before in 45-mile per hour winds. The other thing was that someone would have to bring their notices into town so they could be posted at other usual posting locations. This bill would alleviate much of that.

Paula Berkley (Board of Occupational Therapy; State Board of Physical Therapy Examiners):

This is a great idea. Sometimes people do not figure out how to look things up on the Web, and this will help.

Chair Parks:

I have gotten calls from constituents and interested people who know that something is about to happen on a couple of the boards; however, they have not been able to find the notices. The Board of State Prison Commissioners is one that has been problematic for me. Those notices are posted by the Secretary of State, not by the Department of Corrections.

Vanessa Spinazola (American Civil Liberties Union of Nevada):

We support A.B. 445. Centralizing all of the agendas on one Website will save the American Civil Liberties Union of Nevada much staff time tracking agendas. It would also save time for the average person who would have to call to get notices faxed. It will be a good thing for average Nevadans who want to keep up to date in their communities.

Erin McMullen (Las Vegas Metro Chamber of Commerce):

We support this measure. It provides greater access and much better transparency for everyone. It will make it easier for Legislators to find various agendas, but it will also make it easier for all of us.

My staff actually does the same thing. They keep a calendar of all the meetings and agendas and look for the information. This will help everyone.

Ms. MacMenamin:

The testimony I gave on A.B. 65 applies to A.B. 445. I have had many different experiences. My staff also has to go through many different areas to find the different meeting agendas that impact business. This will simplify the job. We support this bill.

Chair Parks:

We will close the hearing on A.B. 445 and open the hearing on A.B. 493.

ASSEMBLY BILL 493: Abolishes the Nevada Commission on Sports. (BDR 18-572)

Assemblywoman Irene Bustamante Adams (Assembly District No. 42):

During the interim, I had the honor of serving as Chair of the Sunset Subcommittee of the Legislative Commission. The Subcommittee was created by S.B. No. 251 of the 76th Session as an ongoing statutory committee. Our responsibility was to review all boards and commissions in Nevada that were under the Nevada Constitution or established by an executive order of the Governor.

In our review, we identified approximately 170 entities that must be reviewed by the Subcommittee over the next 10 years. Our role was to determine whether the entities should be terminated, modified, changed or consolidated with another board or commission. At the conclusion of our first round, we made recommendations to terminate two boards, terminate one board and transfer its duties to another agency, and continue seven boards with further recommendations. Nineteen boards and commissions had no changes.

Assembly Bill 493 addresses the Nevada Commission on Sports. Originally, the Commission was created to promote the development of Olympic training centers, physical fitness and sports, and assist with the Nevada Special Olympics and the Nevada Senior Games.

Requests for information were made on our behalf by the Legislative Counsel Bureau. There was no response to any of the requests. Because of that, we realized that the Commission had been inactive for several years. Therefore, our recommendation was to terminate the Commission. I have submitted a copy of the Subcommittee's Bulletin No. 13-17 ([Exhibit I](#)).

Senate Committee on Government Affairs
May 1, 2013
Page 18

Senator Goicoechea:

Have you heard anything from the Commission since?

Assemblywoman Bustamante Adams:

No, we have not.

Senator Goicoechea:

That is a good indication it is defunct.

Chair Parks:

Are there appointed members on this Commission?

Assemblywoman Bustamante Adams:

No, we are not aware of any.

Senate Committee on Government Affairs
May 1, 2013
Page 19

Chair Parks:

We will close the hearing on A.B. 493. Having no further business to come before the Senate Committee on Government Affairs, we are adjourned at 2:53 p.m.

RESPECTFULLY SUBMITTED:

Suzanne Efford,
Committee Secretary

APPROVED BY:

Senator David R. Parks, Chair

DATE: _____

<u>EXHIBITS</u>				
Bill	Exhibit		Witness / Agency	Description
	A	1		Agenda
	B	6		Attendance Roster
A.B. 281	C	4	Assemblyman Joseph M. Hogan	Written History and Introduction
A.B. 281	D	1	Assemblyman Joseph M. Hogan	Written Testimony
A.B. 281	E	12	Assemblyman Joseph M. Hogan	Summary of Methodology and Examples of Reports
A.B. 59	F	2	Gus Nunez	Written Testimony
A.B. 65	G	3	Keith Munro	Open Meeting Law Complaints and Violations
A.B. 65	H	3	Keith Munro	Letter from Attorney General
A.B. 493	I	48	Assemblywoman Irene Bustamante Adams	Sunset Subcommittee of the Legislative Commission Bulletin No. 13-17