# MINUTES OF THE
# SENATE COMMITTEE ON GOVERNMENT AFFAIRS

## Seventy-Seventh Session
## May 10, 2013

The Senate Committee on Government Affairs was called to order by Chair David R. Parks at 11:49 a.m. on Friday, May 10, 2013, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, 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 Richard Daly, Assembly District No. 31
Assemblyman Ira Hansen, Assembly District No. 32
Assemblyman Andrew Martin, Assembly District No. 9

**STAFF MEMBERS PRESENT:**

Patrick Guinan, Policy Analyst
Heidi Chlarson, Counsel
Martha Barnes, Committee Secretary

**OTHERS PRESENT:**

Cadence Matijevich, City of Reno
Warren B. Hardy II, Virgin Valley Water District; Associated Builders and Contractors of Nevada
Gustavo Nunez, P.E., Administrator, State Public Works Division, Department of Administration

John Terry, P.E., Assistant Director, Engineering, Nevada Chief Engineer, Nevada Department of Transportation
Joanna Jacob, Associated General Contractors of Las Vegas
Bryce Clutts, DC Building Group LLC
Kym Kelley, Kelley Erosion Control, Inc.
Claudia Chambers, Kelley Erosion Control, Inc.
Paul McKenzie, Executive Secretary-Treasurer, Building and Construction Trades Council of Northern Nevada, AFL-CIO
Jack Mallory, Southern Nevada Building and Construction Trades Council
Constance Brooks, Nevada System of Higher Education
Michael C. Cate, President, Construction Development Services, Inc.
David Knaub, President, K7 Construction, Inc.
Vickie Francovich, President and CEO, Building Solutions, Inc.
John Madole, Nevada Chapter Associated General Contractors
Tim Kretzschmar, Q and D Construction, Inc.
Barry Smith, Executive Director, Nevada Press Association

**Chair Parks:**
We have original bills plus a work session today, so we will begin with the work session by opening the hearing on Assembly Bill (A.B.) 9.

**ASSEMBLY BILL 9 (1st Reprint)**: Makes various changes to the Charter of the City of Reno. (BDR S-266)

**Patrick Guinan (Policy Analyst):**
The work session document summary (Exhibit C) indicates the bill makes revisions to the Charter of the City of Reno. There was an amendment proposed by the City of Reno addressing concerns raised by labor representatives. A mock-up of proposed Amendment 8765 is attached to the work session document.

**Chair Parks:**
Could someone representing the City of Reno address the issue relative to employees?

**Cadence Matijevich (City of Reno):**
Sections 8 and 9 of the bill reference appointive employees; however, because a previous section had been deleted by amendment in the Assembly, we had a phrase without a definition. We proposed an amendment to put the

appropriate language into the bill and define appointive employee. In section 1 of the bill, subsection 1.0115 of the Charter, "Appointive employee" is defined as "a person who is appointed to a position pursuant to paragraph (b) of subsection 3 of section 1.090" of the Charter of the City of Reno. That Charter language indicates the people we reference are special technical staff members who report directly to the City Manager.

This section currently only addresses officers. We were concerned about rights and responsibilities conferred upon employees who are not officers. For example, the special events manager or management analysts within the City Manager's Office are not officers of the City. I received confirmation from the labor representatives that they are satisfied with the language change.

SENATOR GOICOECHEA MOVED TO AMEND AND DO PASS AS AMENDED A.B. 9 WITH PROPOSED AMENDMENT 8765.

SENATOR MANENDO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**Chair Parks:**
We will now hear the summary for 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)

**Mr. Guinan:**
Assembly Bill 59 is sponsored by the Assembly Committee on Government Affairs on behalf of the State Public Works Division and is summarized in the work session document (Exhibit D).

SENATOR MANENDO MOVED TO DO PASS A.B. 59.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**Chair Parks:**
We will now hear the summary for A.B. 65.

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

**Mr. Guinan:**
Assembly Bill 65 is sponsored by the Assembly Committee on Government Affairs on behalf of the Attorney General and summarized in the work session document (Exhibit E).

SENATOR MANENDO MOVED TO DO PASS A.B. 65.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**Chair Parks:**
We will now hear the summary for A.B. 131.

**ASSEMBLY BILL 131 (1st Reprint)**: Revises provisions governing the Board of the Virgin Valley Water District. (BDR S-634)

**Mr. Guinan:**
Assembly Bill 131 is sponsored by Assemblyman Cresent Hardy and summarized in the work session document (Exhibit F).

**Senator Spearman:**
I will probably vote yes, but I am concerned people without money will not have the opportunity to run for a seat.

**Chair Parks:**
I want to confirm this amendment will allow two members from Bunkerville to run for a seat—at large—in Bunkerville and the three members who live in Mesquite can run for a seat—at large—in Mesquite.

**Warren B. Hardy II (Virgin Valley Water District):**
Yes. We appreciate Heidi Chlarson, Senate Government Affairs Committee Counsel, who helped draft the amendment to ensure two members from Bunkerville will run for a seat—at large—in Bunkerville and three members from Mesquite will run for a seat—at large—in Mesquite. The community voiced its support and this was the original intent of the bill.

**Chair Parks:**
When lots are drawn, would there be a differentiation between the seats north and south of the river? There should not be two members from south of the river serving 2 years.

**Mr. Hardy:**
Yes. Based on the amended language, one of the 2-year terms will be from Mesquite and one of the 2-year terms will be from Bunkerville.

SENATOR GOICOECHEA MOVED TO AMEND AND DO PASS AS AMENDED A.B. 131.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**Chair Parks:**
We will now hear the summary for A.B. 249.

**ASSEMBLY BILL 249**: Revises provisions governing vacancies in the office of district attorney. (BDR 20-39)

**Mr. Guinan:**
Assembly Bill 249 as sponsored by Assemblyman Harvey J. Munford is summarized in the work session document (Exhibit G):

SENATOR GOICOECHEA MOVED TO DO PASS A.B. 249.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**Chair Parks:**
We will now hear the summary for A.B. 445.

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

**Mr. Guinan:**
Assembly Bill 445 is sponsored by the Assembly Committee on Government Affairs and summarized in the work session document (Exhibit H).

SENATOR SPEARMAN MOVED TO AMEND AND DO PASS AS AMENDED A.B. 445.

SENATOR MANENDO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**Chair Parks:**
We will now hear the summary for A.B. 493.

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

**Mr. Guinan:**
Assembly Bill 493 is sponsored by the Assembly Committee on Government Affairs on behalf of the Sunset Subcommittee of the Legislative Commission and summarized in the work session document (Exhibit I):

SENATOR GOICOECHEA MOVED TO DO PASS A.B. 493.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**Chair Parks:**
I will open the hearing on A.B. 283.

**ASSEMBLY BILL 283 (1st Reprint)**: Makes various changes to provisions governing bidding for public works. (BDR 28-658)

**Assemblyman Richard Daly (Assembly District No. 31):**
This bill has to do with provisions regarding a construction manager at risk (CMAR) which was added to the *Nevada Revised Statutes* (NRS) in 2007. During the interim between 2007 and 2009, the provisions were not used extensively and minor changes were made in 2009. More changes were made during the 2011 Legislative Session, and the selection process for subcontractors was addressed. As with most laws, we continue to build the infrastructure to make it work the way we anticipate it should. We hope to correct any unintended consequences, which is a large part of this bill.

During the interim, I met with contractors in northern and southern Nevada and Gus Nunez from the State Public Works Division. In the original draft, we knew many ideas would be discussion points. After the bill was heard in the Assembly Committee on Government Affairs, we made changes to the language and 90 percent of the issues were raised and addressed before the Assembly deadline. We have continued to hold discussions to address all of the concerns brought up during the hearing. This is a lengthy process, and we intend to build as much consensus as we can in the hopes of finding a balance. I can go through each section of the bill, just the areas of concern or I can answer questions from the Committee.

**Chair Parks:**
We have a copy of your proposed Amendment 8801 (Exhibit J), so if you could cover the bill and the changes, that would be sufficient.

**Assemblyman Daly:**
Section 1 is a preamble to legislative intent that a construction manager at risk is a construction delivery method allowing the awarding body to pick the person outside of the competitive nature who will be the best contractor for a particular project. The language in section 1, subsection 1, paragraph (c) was proposed by the northern general contractors to give direction and "equip public bodies to address public works that present unique and complex construction challenges." We maintain that a construction manager at risk should not be and is not always the best delivery method for every project.

Section 2, subsection 3, paragraph (a), subparagraphs (1) and (2) cover some issues that do not relate to construction manager at risk. Throughout NRS 338, we have a definition of contractor, so we added to the definition. The contractor has to pay a prevailing wage, turn in certified payroll reports and submit 5 percent and 1 percent subcontractor lists. The contractor's license is not required for all scopes of work that might be on a public works project. A subcontractor who is flagging or relates to traffic control is not required to be licensed but may be a contractor or subcontractor on the job. I am aware of an amendment (Exhibit K) proposed by Russell Rowe to provide clarifying language for licensed engineers. I consider this to be a friendly amendment. It is not our intent to require those engineers to obtain a license under NRS 624.

Section 2, subsection 12 provides a definition for horizontal construction. In the construction manager at risk section of the bill, we refer to primarily horizontal construction which has a self-performance component that we reworded. We also added the definition for vertical construction in subsection 23, and those terms are used later in the CMAR section of the bill.

Language to be deleted in section 5, subsection 2, NRS 338.169 to NRS 338.16995 inclusive, is the delivery method that allows for construction manager at risk. There are basically three different ways you can procure a project: the traditional design-bid-build; construction manager at risk; or design-build. The Nevada Department of Transportation (NDOT) was excluded from using design-builds. A measure last Session allowed NDOT to use design-builds for 2 years, but the measure had a sunset provision. This bill will allow NDOT to utilize CMAR.

Section 5, subsection 3 provides cleanup language because NRS 338 holds bidding requirements for everyone and NRS 408 holds bidding requirements for

NDOT. Not all of the requirements in NRS 338 for bidding are mirrored in NRS 408. We want NDOT to be able to utilize the provisions in both statutes. If NDOT is excluded from something in NRS 338, NDOT can utilize it under NRS 408; if NRS 408 is silent, the provisions of NRS 338 will apply. All of the conditions will apply to NDOT, such as prompt pay or a measure not up to federal standards for a disadvantaged business enterprise. If coverage under NRS 408 jeopardizes any federal funding received by NDOT, it can follow the bid preference language already contained in NRS 338. Wherever the language references "division," it is in reference to NDOT.

Section 5, subsection 5 provides that the Nevada System of Higher Education (NSHE) will not be allowed to use CMAR. Over the course of the time we have been talking with the contractors and others, we have not had an NSHE representative participate in the discussions. We have not had representation from the smaller counties. We are trying to obtain consistency.

**Assemblyman Daly:**
During the interim, we want to develop best practices to determine when a project should be CMAR. The elements of complexity and uniqueness would be applied to the process. Not every project needs to be CMAR, so we want to ensure uniformity of selection. Most of the problems have been related to inconsistencies with the smaller public agencies because they cannot use public works and have not participated in the discussions. The language indicates a smaller government body can only conduct two CMAR projects. The University of Nevada has not participated in the discussions; to date, it is the only agency with a pending lawsuit over its selection of a CMAR and using this process.

In section 6, subsection 1, paragraph (b), subparagraph (2), we have added a limit of $250,000 to be paid to a subcontractor which would only come into play if a project is over $25 million. A contractor is required to list the 5 percent subcontractor at the time of the bid on a traditional design-bid-build and 1 percent 2 hours later if the project is large, such as the $400 million-plus bridge on Interstate 580 above Pleasant Valley. The 1 percent payout on that project was $4 million. Several contractors helped develop the bid, put in their numbers and were listed. When NDOT told them the contractor that would be used, no protections applied for the bid-shopping because the bid amount was less than 1 percent. Over the course of the years on that job, those contractors were subbed out.

A local contractor who was to perform the seal on the project provided numbers and substituted that subcontractor because he was less than 1 percent and had no protections for a contractor out of Arizona. Bringing that subcontractor in and using no local workers was unfair to the local contractor who helped the contractor get the bid in the first place. If the job is over $25 million, you have to list the 1 percent contractors who will perform $250,000 or more of the work. This language is an enhancement to the antibid-shopping provisions so the contractor helping another contractor bid the job will be used on the project. The contractor cannot shop the number out later.

Section 6, subsection 3 clarifies language used last Session to avoid ambiguity. There is a pending court case, and the court indicated our language was not clear. A contractor did not have to list himself or herself as performing part of the work but now he or she must. If a contractor lists himself or herself on a project, that contractor cannot substitute himself or herself without paying a penalty. The contractor cannot provide information that is not true and correct. He or she is required to list what work will be performed as a contractor and what work will be performed by the subcontractors.

If the general contractor includes work and then shops that number for a subcontractor later, we have included antibid-shopping rules to protect the public. A contractor can enrich himself or herself by getting a lower number after the fact and not sharing that extra money with the public body. The contractor can decrease the number of people once he or she has the job and use that leverage for the public money to enrich him or herself, so we have included these provisions. A contractor may say he or she is going to perform all of the work not listed for a subcontractor, and if the contractor substitutes himself or herself later, a penalty can be assessed.

Section 7.5 has been added. This is the first section that addresses the CMAR, NRS 338.169. Section 7.5, subsection 2, has the language added to address smaller counties performing only two CMAR projects during a calendar year. This means two for a county, two for a city and two for a water district, so it is not just two total. State Public Works or NDOT or other state agencies could complete as many projects as they had in the smaller counties because they are State agencies. We aim to develop best practices because we have had too many inconsistencies. Some of the smaller boards are not as sophisticated and interpret the law differently. We are not trying to cut them out, but we do want these entities to talk to us so we can provide them with additional information.

Some of these areas are probably not completing more than two jobs a year anyway.

**Senator Goicoechea:**
The complaint I received on the bill was from a small jurisdiction about being blocked and only being allowed to complete two projects. You are saying these smaller jurisdictions do not have the sophistication, yet they are using the CMAR and are concerned about losing this ability. The jurisdiction that contacted me has been using the CMAR, and this bill will limit the entity to two projects a calendar year. Using the CMAR must have worked, or this jurisdiction would not be concerned about being limited by the bill.

**Assemblyman Daly:**
If some of the smaller jurisdictions are using the CMAR, it would be beneficial to receive their feedback. The determination and criteria used on what projects should or should not be CMAR projects is a basis for us to achieve consistency. Questions arose about what projects CMAR should apply to and which projects it should not. Representatives from NDOT indicated they did not give too much weight to a contractor with or without CMAR experience. Because the program is in its infancy, not a great number of projects have been completed this way. If you get down the road 10 years from now with changes along the way, having CMAR experience may be the most valued portion of the process.

If a contractor comes into the industry and asks how do I gain experience for CMAR so I can be considered for projects, it is not possible. We thought two a year was plenty so contractors could get involved in the discussions, build some best practices and go forward from there. We have seen a lot of problems and interpretations. There is a great deal of pressure on the contractors to pick a particular subcontractor. The example I heard was with a contractor in one of the rural counties saying he bought a first-run movie for the whole town and said, "Here you go." This was the night before the CMAR selection, and he just happened to get picked. Maybe it is coincidental, but those things are happening outside Clark and Washoe Counties.

Section 8, subsection 2, paragraph (i) identifies the two-step process for the CMAR. First, a request for proposal (RFP) describes the list of criteria and the weight given to each selection criteria. Those criteria are nebulous and inconsistent. People use different criteria and interpret them differently. Let us say six contractors put in their RFPs, and the requesting entity looks over the

bid. Someone says this contractor looks like the most qualified, so we will short-list to five in order to make a selection. Once the list identifies these five, they will be brought in for interviews. No carryover appeared of how the proposal would be scored and what weight each section would carry during the interview process.

Section 8, subsection 3, paragraph (a) addresses the problem of an agency telling a contractor you have completed design-assist, value engineering or negotiated work at the private sector, but it is not the same as performing CMAR work. We want to emphasize the language in this section and provide an explanation to the applicant. We need an explanation of the experience that the applicant has with projects of similar size and scope on the public and private sectors by any delivery method—whether construction manager at risk and including, without limitation, design-build, design-assist, negotiated work or value-engineered work—plus an explanation of such experience that applies in Nevada. We have had much discussion regarding this issue, and now emphasize that these awarding bodies get as much consistency as we can in the language. The basis we are looking for may be similar experience on other projects.

In section 8, subsection 3, paragraph (j), we added language that addresses public work which involves predominantly horizontal construction and a statement that the applicant will perform at least 25 percent of the work. The applicant must acknowledge this on the application. There is no requirement in this bill for vertical work, so we will have further discussion on this issue.

One of the public bodies indicated it received RFPs but wanted to keep them secret. The public body was in violation of the public records law, so the new section 8, subsection 4 only requires the names of the persons who bid.

Section 9, subsection 5 deals with the first and second phases of the selection process. We want to have at least three members but not more than seven members on the panel. A majority of these members must have experience in the construction industry. We also provided the ability to have a second panel, since the State Public Works Division uses two separate panels.

**Assemblyman Daly:**
Existing language in section 9, subsection 6 states the panel conducting the interview may require applicants to submit proposals. We added language to make all presentations at the interview, pursuant to subsection 5, only by key

personnel. This is a soft process, and we do not want it to boil down to who has the slickest salesman and the shiniest shoes. We want the people who will be the project managers to answer questions about the design, building processes and alternative uses of materials and structures. We want the people who can answer questions about design and whether it is a steel girder bridge or a box girder bridge and what type of work will be used to stabilize the structure.

We added language, now section 10, relative to the selection of a subcontractor. As the construction manager at risk, you must advertise to prequalify subcontractors in order to submit a bid as a subcontractor once you get plans substantial enough to make a meaningful bid. When the construction manager at risk is first hired, he or she must complete construction services, designs and review ideas, but there are no plans. The CMAR will assist the public body to design the project. The CMAR will value-engineer the project, conduct constructability reviews, overlay mechanicals and prepare for a smooth-running project. When the plans are to a point when subcontractors can be hired, there is a process to be followed. The CMAR must advertise to prequalify the subcontractors and bring them in for an optional preconstruction meeting. After the subcontractors have met the criteria, the CMAR must mail a letter seeking a request. Once the sealed bids are returned, they must be opened under the supervision of the awarding body to avoid bid-shopping or manipulation. Comparisons are made to get the bids in a similar format and evaluated in order to choose a subcontractor.

If a contractor follows all of the steps and only receives one bid, for example, horizontal work, the CMAR does not have to go out to bid on a portion of the project because he or she is required to perform 25 percent of the work anyway. The CMAR can say he or she wants to perform the work and may have to go through the steps to put in a bid before entering into the contract with the public body. The public body cannot interfere with the subcontractor selection process by the CMAR. If all of the steps are followed in NRS 338.16995 and the CMAR only receives one bid, he or she can pick that subcontractor and the public body cannot interfere by saying the CMAR must obtain three bids.

Section 11 references whether the work is predominantly horizontal and the construction work equal in value to at least 25 percent of the estimated cost of construction if the CMAR wants to perform the work himself or herself. We also

referenced predominantly vertical work. The CMAR is not required to perform any of the work on predominantly vertical work, but if he or she wants to perform some of the work, it is acceptable.

Section 12 outlines the steps that must be taken to be a subcontractor on the project. Once the CMAR is selected, he or she may accept applications from a subcontractor before advertising for applications. The subcontractors may come prequalified if they want to submit a bid once the CMAR has specific plans for the project. The previous language stated the CMAR must wait until he or she had plans before advertising for bids. The amendment now allows a CMAR to accept bids 30 days after being hired for the project. Once a subcontractor is prequalified, he or she stays prequalified for up to 2 years.

Section 13 addresses a language clarification saying the CMAR can accept bids from a subcontractor for which the estimated value is at least 1 percent of the total cost of the public work or $50,000, whichever is greater. On a small hard-bid job, if the 1 percent goes below $50,000, the subcontractor would not have to be listed. Under the CMAR, that subcontractor would have to be listed under $50,000. This section also makes it permissive to have contractors come into a preconstruction service. It may be required by the public body or requested by the CMAR, but it is permissive. It is not mandatory for the architect or the engineer responsible for the design of the public work to attend the opening of the proposals, but it is not open to the public.

Section 13, subsection 14 provides a reference that sets out the provisions if a subcontractor has been selected and is identified. If the owner of the project objects to the subcontractor … this language was brought over to the CMAR section of the bill to mirror parts of NRS 338. We also deleted language in subsection 16 that said the CMAR was to make available to the public each of the subcontractors and the amount of each bid. The whole process was to present the project and obtain as much participation as possible by advertising. The idea is to build the best team by accepting the best bid. The CMAR needs to get the same management benefit as the public bodies do by hiring a CMAR in the first place. As soon as this meeting is over and we get your input, we will engage in more discussions and get a final product.

**Chair Parks:**
This is a rather substantial piece of legislation with many changes.

**Assemblyman Daly:**
There have been many meetings for discussion, but many people have not been able to review the amendment as written. People may testify in opposition to various portions of the amendment, and others may testify as neutral. If others are happy with all of the changes, they may testify in support of the amended language. Most of the agencies will probably testify as neutral.

**Chair Parks:**
I am still confused about people testifying in a neutral position on a bill. A large large number of individuals are signed up in support of the bill.

**Gustavo Nunez, P.E. (Administrator, State Public Works Division, Department of Administration):**
I agree with much of what is proposed in A.B. 283 but am opposing the bill and will present my testimony (Exhibit L).

The amendment references, "a public body shall not interfere with the right of the construction manager at risk to select the subcontractor." And further, NRS 338.16995, subsection 10 states, "the public body or its authorized representative shall ensure that the evaluation of proposals and selection of subcontractors are done pursuant to the provisions of this section and regulations adopted by the State Public Works Board." This is an inconsistency that needs to be clarified.

**Chair Parks:**
We will take your comments under advisement.

**John Terry, P.E. (Assistant Director, Engineering, Chief Engineer, Nevada Department of Transportation):**
We are in favor of A.B. 283. The Nevada Department of Transportation (NDOT) originally submitted a bill asking that the sunset provision on the Department's use of CMAR be amended to utilize CMAR in the future. Through the Assembly Committee on Government Affairs, our bill was incorporated into A.B. 283. The lifting of the sunset provision in section 5 of the bill is still in the language. It is in the public's best interest to allow NDOT to use CMAR on certain projects. The areas where the Public Works Division has issues with the language do not affect the Department of Transportation because of the nature of horizontal construction and highway construction. The NDOT prime contractors do a much, much higher proportion of the work, so we can support the bill.

**Chair Parks:**
Have you participated in the meetings held by Assemblyman Daly and other interested parties?

**Mr. Terry:**
Yes.

**Joanna Jacob (Associated General Contractors of Las Vegas):**
I signed in as neutral since I just saw the mock-up proposed Amendment 8801 to A.B. 283 this morning. Having heard the concerns voiced by Mr. Nunez, this is a work in progress. We have attended all of the meetings with Assemblyman Daly and the stakeholders and will continue to do so.

**Warren B. Hardy II (Associated Builders and Contractors of Nevada):**
I signed in neutral on A.B. 283, but I want to indicate we support what Assemblyman Daly is trying to achieve. I actually introduced the first piece of CMAR legislation and since then have been trying to reconcile the concept of a construction manager at risk with the public procurement process. We have been working on this issue for 15 years and have not had any success in reconciling a good procurement process with the unique requirements of the public works process. This is an indication of how difficult it is to complete.

The public bidding process cannot look exactly like the private bidding process from the prospective of the additional requirement of a public works project of providing an opportunity for every Nevada taxpayer to bid on the work. That appears to be a mutually exclusive goal when it comes to CMAR. Anytime you try to rectify that opportunity, you are affecting construction manager at risk. For the construction manager at risk process to work properly, it is critical that the contractor chooses his or her own subcontractors and has a great deal of control over that process. In my 12 years of dealing with this concept, I have come to the conclusion that the only way to rectify the issue is to provide a cap in the statute that says a certain number of projects can be completed each year from a CMAR prospective and the rest must be assigned through another procurement process. We will continue to work with the sponsor of the bill in an attempt to reconcile these two goals.

**Bryce Clutts (DC Building Group LLC):**
I am a member of the board of the Associated General Contractors. We are excited about continuing to work with Assemblyman Daly. Having seen the changes just this morning, we remain neutral.

**Kym Kelley (Kelley Erosion Control, Inc.):**
We are contractors specializing in erosion control and have been in business for 30 years. We are nonunion and have a couple of CMAR jobs scheduled for this year. We are also in the process of bidding a large CMAR project.

**Claudia Chambers (Kelley Erosion Control, Inc.):**
We are trying to learn, but the prequalification process is horrific for subcontractors. Lots of paperwork needs to be completed for a small contractor. We just bid on a project that no one else in our industry bid on due to the lengthy process to qualify. It can be a tiny job, but the process remains the same. We have worked with all of the general contractors here in town, and we are in a right-to-work state. We work with union and nonunion contractors in Nevada without signing any agreements. We are seeing union contractors come in where there is no project labor agreement in place by the owner, but the general contractor is union and he is forcing the subcontractors to sign union agreements. These issues are big concerns that will be felt throughout our State.

**Senator Spearman:**
Can you define "forcing" for me?

**Ms. Chambers:**
We have gone through the prequalification process and there is more paperwork because we have to write proposals for the work that the contractor is supposed to put together. The contractor says it has a union agreement, and we have to sign a union agreement if we want to work on the job. We have not had to do this for the past 30 years of working in Nevada.

**Senator Spearman:**
Is the concept of "force" in your opinion?

**Ms. Chambers:**
Yes. If we want to work on the job, we sign the labor agreement and our employees must become union members and pay the membership dues.

**Senator Spearman:**
In your opinion, you are being forced?

**Ms. Chambers:**
Yes.

**Paul McKenzie (Executive Secretary-Treasurer, Building and Construction Trades Council of Northern Nevada, AFL-CIO):**
We are in favor of the legislation and have worked through the process with Assemblyman Daly by attending a majority of the meetings. I am probably one of the biggest opponents of this whole process. This process is not appropriate, but the improvements being made are helping to overcome some of the issues we have with the language.

This bill goes a long way to alleviate the problems we have seen with the CMAR process in the past wherein to do a CMAR, you have to have experience doing a CMAR and to get experience doing CMAR, you had to do a CMAR; consequently, there is no way for anybody to get the experience. The people who are awarded the CMAR jobs are from out of state. None of our local contractors have the opportunity to be awarded the work. This bill goes a long way to alleviate that issue so some of the smaller contractors and those without CMAR experience can break into this industry.

One of our concerns addressed through the amendment is the selection of the subcontractors. We have had a lot of experience with this process where the owner's agent interceded in the process and told the CMAR who it was to select. The language is strong, so there is no question that the owner cannot interfere with the selection of the subcontractor. The public body does retain oversight and can look at the subcontractors to ensure they are properly prequalified, submit their bids properly and leave nothing out of the bid. The contractor holds a license and is appropriately licensed to perform the work. That oversight is still there for the public body.

This limitation to keep the public body from telling the CMAR contractor he or she has to take a subcontractor because he is the owner's brother-in-law is a good thing. The CMAR has the opportunity to build his or her own team to complete a good project. Many times that means the CMAR works with people he or she has worked with in the past and may choose to do that even though

the subcontractor might not be the lowest bidder. This strategy may save him or her money in other places on the project.

The CMAR is supposed to be a construction manager at risk. That manager gives a price for the project; if the project price is too high, the public body can still take all of the work that was done and put it out to public bid in an open bid process. The public body has a budget for the job, and the CMAR works to reach that budget. If the CMAR cannot reach that budget because he or she selects subcontractors who end up charging too much money, that is covered in the final negotiations. If the two cannot reach an agreement, the public body can say the costs are too high and go out for a design-bid-build. This process is far from perfect, but the management problem relates to CMAR becoming the contracting method of choice for many public agencies, and we have not perfected it. This bill goes a long way toward improving the process.

The participating parties have committed to meet during the interim to work out some of the unresolved issues to include them in regulations or to come back next Session to make the necessary changes.

**Jack Mallory (Southern Nevada Building and Construction Trades Council):**
The Southern Nevada Building and Construction Trades Council represents workers who work for subcontractors. It has been our experience that the lowest price is not always the best value for the end user for either a private or public job. The experience is based on knowing what the price is when walking in the door. This is our bid and this is what it will cost us to complete this job, then comparing that number to the back end. In many cases, we have seen the lowest price bid end up costing more than the next lowest price or the one above it. Using this model of best-value bidding is a tremendous value.

We have concerns with the way the CMAR is being used and what will become the primary delivery model on projects where it is not appropriate based on our understanding of the process. We will continue to work with Assemblyman Daly to move this idea forward.

**Constance Brooks (Nevada System of Higher Education):**
We oppose the proposed amendment to A.B. 283 based on section 5, subsection 5 which states, "The provisions of NRS 338.169 to 338.16995, inclusive, do not apply with respect to contracts for the construction, repair or reconstruction of buildings that are awarded by the Nevada System of Higher

Education." We have not had sufficient time to digest this language; however, it severely limits our ability to construct projects. We look forward to having more discussions with the sponsor of the bill and other stakeholders who have been involved in the development of this bill in order to create more projects and award more contracts.

**Michael C. Cate (President, Construction Development Services, Inc.):**
I am opposed to a portion of A.B. 283 although I have worked with Assemblyman Daly alongside many other contractors to perfect this bill. I have a concern with limiting the rural counties to only two CMAR projects per year. I was born and raised in a small rural county, and it does not seem to be based on common sense. It is not right for the Legislature to make decisions about what the rural counties can and cannot do. Absent from the CMAR process and this conversation is that the first thing an owner does is to hire an architect. Architects are qualified and licensed individuals, and they help with the process before the CMAR contractor shows up. The architect should help the owner determine the project, such as a design-build or a CMAR project, and help the owner move through the process. That one entity has been left out of all of these conversations. That is wrong. If a CMAR project is the right project to proceed with in the rural counties, the counties should be able to decide whether they want one or ten.

**David Knaub (President, K7 Construction, Inc.):**
I do not oppose CMAR, as it is a good delivery system; however, this bill does not do a good job of protecting small contractors like me. For years, we have been involved in plan/spec, hard-bid contracting with public entities. Fifty percent of my annual revenue comes from that delivery system and contracting method. I am concerned if CMAR becomes the ultimate method of delivery or the ultimate contracting method of the public entity, contractors like me will be left out completely. We have competed on seven CMAR projects and have not made the short list on any of them because we do not have experience. Without experience you cannot be in the ballgame.

I am a member of the Associated General Contractors and am representing all of the small contractors, who are not here today, to let you know it is a problem if no verbiage in this bill protects the small contractor from every single project going CMAR. We deserve an opportunity to compete, and I cannot get to the table. I am not saying this is a bad bill, but it excludes many good contractors who have been serving the public entity for years. I have probably completed

$25 million in public projects over the years. If this bill is passed, it is possible that I will not get another chance to bid on a public project. I know that sounds extreme, but it is a reality because nothing in the bill protects the plan/spec and hard-bid delivery system to stay in contention to compete.

There is a way for us all to coexist. We could have a threshold to limit CMAR jobs. Maybe anything under $2 million cannot be CMAR for the next 2 years, or limit the number of CMAR projects performed by a public agency for the next 2 years. This would give time for the language to be worked out over a 2-year period. The CMAR is a very good delivery system, but A.B. 283 does not protect me or any of my peers. Many companies could go out of business if this becomes the standard.

**Senator Spearman:**
Have you spoken to the sponsors of the bill to identify some language that will accomplish your objectives?

**Mr. Knaub:**
Yes. I have been involved in a few meetings and about 6 weeks ago, there was a $5 million threshold in the bill that I supported. Since then, the language regarding the threshold has been removed.

**Senator Spearman:**
Was your recommendation $2 million or $5 million for a threshold amount?

**Mr. Knaub:**
There needs to be a number that makes sense to everyone. To me, $2 million is pretty low and the threshold amount should be higher; but in the spirit of cooperation, it is an amount we could live with.

**Vickie Francovich (President and CEO, Building Solutions, Inc.):**
I am a board member of the Associated General Contractors. Mr. Knaub and I have been fierce competitors when bidding public works projects, but we came together today to protect businesses like ours. I have built my company infrastructure around bidding on public works projects. When I got into the construction industry 15 years ago, I decided to go into the public works arena because it provided a level playing field. If you obtain the right licenses, demonstrate capacity, hire the right team members to run projects and turn in the lowest, responsive best bid, you get the work. I am not opposed to CMAR if

the bill achieves what it says: to better equip public bodies to address public works that present unique and complex construction challenges.

If that is the intent of A.B. 283, the overall language negates the intent. Many projects are going to CMAR that should not be CMAR projects. I agree with the points provided by Mr. Knaub. For contractors like Building Solutions, Inc., and Nevada contractors overall, the language introduced today will negatively impact our ability to continue to do business, particularly in this economy, and it will result in a selection process for folks who have only performed CMAR projects. I have completed design-build projects and negotiated work, but I have not worked on a CMAR project. My scoring would not be as high as someone who has done that kind of work. I am asking the Committee to introduce language that would protect Nevada contractors and small businesses.

**Senator Spearman:**
How would this negatively impact small businesses?

**Senator Goicoechea:**
Most of the contractors in the rural areas are small businesses. I am learning this process along with everyone else. When I was involved with local government, we did not deal with CMAR projects. It is somewhat preferential for the larger companies, especially once they have participated and gained CMAR experience. Apparently, it is easier for local governments, even the smaller ones, but not necessarily a cost savings to those local governments. As stated by Ms. Francovich, if the local government requests a design-build or a hard-bid, it could actually save some money. The CMAR is another option.

**Senator Spearman:**
I suggest the small contractors meet with Assemblyman Daly to determine if there is a happy medium. I hear your concerns, and if the bill is good up to the point of no identifiable threshold that exempts smaller companies from the process, perhaps he would be willing to entertain an amendment.

**John Madole (Nevada Chapter Associated General Contractors):**
I was surprised when people I thought supported the bill opposed it, and the ones I thought would oppose the bill supported it. Still others testified as neutral. We are neutral on A.B. 283. We met mornings and evenings on this issue, and there has been lots of discussion. There is still a way to go.

**Tim Kretzschmar (Q and D Construction, Inc.):**
I am a member of the Associated General Contractors and am neutral on the bill. There has been lots of work done on the language and it is a good bill. Some concerns came up during this hearing that need more discussion: specifically excluding the Nevada System of Higher Education. I am disappointed with how some of the NSHE projects have been awarded, but NSHE should not be excluded without additional discussion.

**Senator Spearman:**
The people who testified for and against A.B. 283 all agreed the process needs a threshold because the bill excludes smaller companies. If you do not have experience with a CMAR project, you cannot get the bid for a CMAR project. If you cannot get the CMAR project, you will not gain the CMAR experience. It seems to be a Catch-22. Would you be amenable to amending the language that might satisfy some of the concerns addressed today?

**Assemblyman Daly:**
We started out with a $5 million threshold in the original bill. I got a substantial amount of pushback from the awarding bodies who said, no, we do not want to do that. We did not have many small contractors in these meetings, so we came back to wanting to develop best practices over the interim to identify projects and when a contractor should apply. Some remodel projects are prime candidates even though they might be $700,000. Other projects may be $10 million where a road is overlaid, but it may not be a CMAR project. We see different agencies beginning non-CMAR projects. We want to build as much consensus as we can. We are running out of time and coming to the discussion this late makes it difficult to address new concerns.

**Senator Spearman:**
I will close the hearing on A.B. 283 and open the hearing on A.B. 251.

**ASSEMBLY BILL 251 (1st Reprint)**: Requires a public body to make available to the public certain contact information for its members. (BDR 19-159)

**Ira Hansen (Assembly District No. 32):**
Assembly Bill 251 is about open government and encouraging citizens to participate in their government. Many elected officials, including myself, start out as concerned citizens who care deeply about an issue. A concerned citizen should be encouraged to reach out to members of a public body to share

expertise or concerns. As Legislators, we are not experts in every issue that comes before us. For example, when a special education teacher tells me how a certain bill will impact his or her classroom, I listen. All Nevada State Legislators have their individual contact information available on one Website where it is easy for the public to find. My name, mailing address, telephone number, email address and the name and email address of my legislative assistant is available on the Website.

The staff at the Legislature has done an excellent job of making the legislative Website user-friendly. Feedback from my constituents helps me inform myself and make decisions as I strive to represent the people in my district. Many public bodies in Nevada have similar Websites where contact information for individual members of the public body is readily available or they provide contact information for individual members upon request. Unfortunately, this is not the case for all public bodies. This is a problem I hope to remedy with A.B. 251.

Assembly Bill 251 amends NRS 239, which addresses public records. This bill will require a government entity, upon the request of any person and with certain key exceptions, to disclose the email address or telephone number, or both, of an individual member of certain public bodies if the person who is the subject of the request has previously provided that information to the government entity. The governmental entity's record of the information is a public record. Some public bodies in Nevada have established a general email address at which a public body receives email intended for receipt by the public body and no contact information of any kind is provided for individual members.

Typically, a staff person acts as the gatekeeper to monitor this general email address and to determine which emails are forwarded to the individual members. I can see where this process could be helpful to filter out spam, but most of us have virus or spam protection for our email accounts. My concern is that this process also restricts direct communication with individual members. Public bodies are often comprised of diverse groups whose individual members may not all share the same bias or opinions of the designated gatekeeper.

For the provisions in this bill, a public body is subject to the Open Meeting Law but also specifically includes the Legislature, the Legislative Commission, the Interim Finance Committee and other legislative committees and commissions. There are some exceptions; the six Constitutional State Officers and members

of any court or other judicial or quasi-judicial body would not be required to provide their individual email addresses or individual telephone numbers.

The sage grouse issue is important to me. I have gathered information and written reports, and when Governor Brian Sandoval set up the Greater Sage-grouse Advisory Committee, I wanted to contact them individually. I was told to send the letter to a specific individual in the Executive Branch, and he would forward it for me. I had an issue with that because I was not sure the information would be forwarded and I did not want a bureaucrat in the Executive Branch to know who I was contacting or what I was saying. It was a way to censor the opinions and information I wanted to share with members of the Committee.

I first contacted the Nevada Press Association and said I thought all members who served on a committee or commission had to have a reasonable level of access for the public. It turns out that is not the case. It sounds easy to remedy this problem, but I found legitimate reasons why some public bodies do not want those individuals' contacts made available. A public body can meet the requirements of A.B. 251 by having a post office box. The State Board of Parole Commissioners, for obvious reasons, does not want to have personal contact information on the Internet. To ensure the protection of these public bodies who are judicial or quasi-judicial, there is an exemption in the bill.

In general, if someone serves on a public board or commission, the public should have a reasonable ability to have access to contact information. If a person has an email address, nothing in the bill requires him or her to answer the emails. Assembly Bill 251 simply provides a reasonable level of access for the public to contact those people serving on boards and commissions.

**Senator Manendo:**
Would this bill also apply to volunteer members of town boards? Would this apply to homeowners' associations that fall under the Open Meeting Law? Would each member of every homeowners' association have to provide an email address?

**Ms. Chlarson:**
The term "public body" is defined in section 1, subsection 5 of A.B. 251. I can take a look at the language to determine if these bodies would be subject to

following this law. I will look at the applicability of particular boards and commissions and get back with you.

**Senator Manendo:**
Maybe it could be an email address or phone number. The town boards in Clark County do not have contact information on their agendas, but a person wanting to speak to them would go through the secretary. The homeowners' associations would be contacted through the management companies, but they are not the boards. I would like some clarification.

**Ms. Chlarson:**
I will research your question and provide you with information as soon as possible.

**Senator Goicoechea:**
Assemblyman Hansen, you are trying to have members of boards and commissions provide one piece of personal contact information, whether it is a post office box or an email address. As an example, if you want contact information for the Clark County Commissioners, you would contact their administrative assistant as that is the only listing available. This bill would require each Clark County Commissioner to retain a post office box, an email address or a phone number as contact information for the public. If I had known what I was getting into when first elected, I would have been more careful about the numbers I gave out as contact information.

**Assemblyman Hansen:**
My intent is for the public to have a reasonable level of access to contact members of boards and commissions. I do not know if you want to go down to the level of town boards and homeowners' associations. But even if you are a member of a town board, you represent the people and they should have a reasonable level of access to talk to you. On my legislative business cards, I have listed my cell phone number so people can get hold of me.

**Senator Spearman:**
A friend of mine received some obscene material sent via email and text. It was a form of harassment. My concern would be for people who have children, are single or live alone. Email addresses should be innocuous, but the thought of receiving obscene material is awful. What kind of protections can we include to

ensure people are not harassed and do not have to endure graphic and obscene language or pictures?

**Assemblyman Hansen:**
I am not certain there is a way to exclude that kind of behavior, but we would want to exclude police officers from this bill, and the judicial and quasi-judicial exemption may protect those individuals. That is a good question. As a Legislator, if someone wants to send me obscene material, there is no way I can legally block it. I assume if it is bad enough I would ask the Legislative Police for assistance. If there is an additional level of protection we can add to the bill, I would be agreeable.

**Ms. Chlarson:**
As your question relates to common-interest communities, the definition of "public body" would include unlimited purpose association, which is created for a rural agricultural residential common interest-community as that term is defined in NRS 116.1201. I am not very familiar with the difference between that type of common-interest community and others. If you would like additional information, I will conduct further research. Regarding a town board or town advisory board, yes, the provision would apply because these are covered under the definition of a public body.

**Assemblyman Hansen:**
I will support it if the Committee wants to amend the bill. My goal is to make public bodies as accessible to the public as reasonably possible.

**Barry Smith (Executive Director, Nevada Press Association):**
I am speaking in favor of A.B. 251. When the sponsor brought this issue to my attention, it seemed like a commonsense issue. If someone is serving on a public board or commission, there should be a way for someone from the public to contact the person. The example provided by Assemblyman Hansen about having to go through a filter or common contact whom he did not know and what happens to the information afterwards needs to be addressed. There should be a process in place for members of the public to contact someone serving on a public board or commission.

Section 1, subsection 4 states, "This section does not require a public body to make available to the general public contact information for a member of the public body that is provided by the member to the public body strictly for the

use of the public body in contacting the member." Emails and phone records are considered public records under NRS 239B. It is not the intent of the sponsor to create a loophole in the records law that says emails having to do with public business are public records, but we would redact whom those emails were to and from.

As I read this section, if a member has provided contact information for the board or commission, then the board is not required to provide the information to the public. If the information is part of a communication used for public business, it is covered by the public records law. The last time NRS 239B was amended, it was clear in the language and the testimony there was protection for email and telephone numbers collected by government agencies saved into databases. A member of the public cannot request the public body to access its database by requesting every email address for everybody who has ever contacted state government. The individual email addresses and telephone numbers are a matter of public record. The language does not create a conflict or a loophole.

**Assemblyman Hansen:**
We want to balance the needs of the public to have reasonable access to the people serving the public on boards and commissions and protecting certain individuals who may need a level of security with those sorts of communications.

**Senator Spearman:**
I will close the hearing on A.B. 251 and open the hearing on A.B. 327.

**ASSEMBLY BILL 327 (1st Reprint)**: Revises provisions governing state accountability. (BDR 31-554)

**Assemblyman Andrew Martin (Assembly District No. 9):**
Assembly Bill 327 establishes a fraud hotline for the State. There are fraud hotlines in existence, but they vary on different Websites. This bill will take the hotlines out of the shadows and require posting of this information in public workplaces—anyplace that is receiving public dollars. The goal is to stem waste, fraud and abuse.

People do not always report fraud because they do not know how to report fraud or misconduct and they do not believe the process is confidential. We

have to make the hotline more accessible and inform people that the process is confidential and have fraud hotline notices posted in conspicuous spots in those agencies receiving public dollars. Page 4 of the handout (Exhibit M) provides an example of what the posted notice might look like for reporting fraud.

For the past 20 years, in addition to being a certified public accountant and federal government auditor, I have also been a certified fraud examiner. This has been my life, and it is all about auditing. It is unusual that you ever hear anybody speak passionately about auditing. I have met with our Governor about this issue and Jeff Mohlenkamp, Director, Department of Administration, who is on board with this idea. The current system with scattered hotlines on different Websites is inadequate. Essentially, by bringing this information forward and posting in public places where our tax dollars are being allocated will do a world of good in terms of fighting waste, fraud and abuse.

I spoke with Mr. Mohlenkamp when the bill was heard in the Assembly and asked how many phone calls the hotlines have received throughout the course of time. He indicated one. Obviously it needs to be posted and advertised. We would advertise the notice in Spanish as well as English.

The bill has been supported by the Governor's Office, and the State Controller is aware of what I am doing. We have to fight fraud, and this is a no-cost solution to the problem. The current hotlines are not easily discoverable by the public. We need to make these numbers known and turn the cold lines into hotlines.

**Senator Spearman:**
I will close the hearing on A.B. 327 and open the hearing on A.B. 383.

**ASSEMBLY BILL 383 (1st Reprint)**: Revises provisions governing the Sunset Subcommittee of the Legislative Commission. (BDR 18-160)

**Assemblywoman Irene Bustamante Adams (Assembly District No. 42):**
Senate Bill No. 251 of the 76th Session was a bipartisan effort between Assemblywoman Debbie Smith and Senator Ben Kieckhefer to set up a statutory committee named Sunset Subcommittee of the Legislative Commission (Exhibit N). Our role was to evaluate established boards and commissions. During the interim, we had the opportunity to conduct that evaluation. We discovered that about 170 boards and commissions exist in the State. We identified 37 for review and completed 29 reviews. The Commission was set up

for nine members: three members from the Senate, three members from the Assembly and three members from the public who were appointed by the Legislative Commission. Names of the appointees from the public were submitted to the Legislative Commission by the Governor's Office. A final report contains the recommendations made by the Sunset Subcommittee of the Legislative Commission based on the 29 reviews completed.

I asked members of the Subcommittee for any suggestions or recommendations to improve the process. I also worked with the bill sponsors to ask the same questions to ensure we were meeting the intent of what they wanted to accomplish. Assembly Bill 383 makes recommendations on how to improve this process.

Section 1 makes recommendations for the Audit Division of the Legislative Counsel Bureau (LCB). During the interim, the Sunset Subcommittee realized some of the larger boards and commissions were complex. We determined LCB should conduct a performance audit on these boards and commissions. Under the provision of this bill, the Sunset Subcommittee determines when a board or commission should be audited and will make a recommendation to the Legislative Commission. If the Legislative Commission agrees with the recommendation, it will direct Paul V. Townsend, Legislative Auditor, to perform the audit. We do not want to make overburdening requests, so we have limited the number to four audits. Mr. Townsend provided testimony when the bill was heard in the Assembly, and he thought four audits were reasonable.

Section 2 brings clarity in order to make the Sunset Subcommittee structure consistent with other ongoing interim statutory committees. It specifies the general public members of the Sunset Subcommittee are nonvoting members. This change allows the committee the benefit of receiving input from the general public.

Section 3, subsection 2 proposes to reduce the number of boards or commissions that must be reviewed each interim from 20 to not less than 10. During our analysis, we came to the conclusion that 20 reviews would be overwhelming for the Sunset Subcommittee during the interim. I amended the language when the bill was heard in the Assembly that would delete the provision requiring a report by July 31 from the Sunset Subcommittee naming what boards and commissions would be audited. That time period was just too short and would be required right after the Legislative Session had concluded.

**Senator Spearman:**
I will close the hearing on A.B. 383. The Senate Committee on Government Affairs is hereby adjourned at 2:26 p.m.

RESPECTFULLY SUBMITTED:

Martha Barnes,
Committee Secretary

APPROVED BY:

Senator David R. Parks, Chair

DATE:

| EXHIBITS | | | | |
|---|---|---|---|---|
| **Bill** | **Exhibit** | | **Witness / Agency** | **Description** |
| | A | 2 | | Agenda |
| | B | 11 | | Attendance Roster |
| A.B. 9 | C | 30 | Patrick Guinan | Work Session Document |
| A.B. 59 | D | 1 | Patrick Guinan | Work Session Document |
| A.B. 65 | E | 1 | Patrick Guinan | Work Session Document |
| A.B. 131 | F | 5 | Patrick Guinan | Work Session Document |
| A.B. 249 | G | 1 | Patrick Guinan | Work Session Document |
| A.B. 445 | H | 6 | Patrick Guinan | Work Session Document |
| A.B. 493 | I | 1 | Patrick Guinan | Work Session Document |
| A.B. 283 | J | 21 | Assemblyman Richard Daly | Proposed Amendment 8801 |
| A.B. 283 | K | 1 | Russell M. Rowe | Proposed Amendment |
| A.B. 283 | L | 2 | Gustavo Nunez | Written Testimony Opposing A.B. 283 |
| A.B. 327 | M | 5 | Assemblyman Andrew Martin | Prepared Testimony in support of A.B. 327 |
| A.B. 383 | N | 48 | Assemblywoman Irene Bustamante Adams | Sunset Subcommittee of the Legislative Commission, Bulletin No. 13-17, January 2013 |