

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

**Seventy-Seventh Session
May 17, 2013**

The Senate Committee on Government Affairs was called to order by Chair David R. Parks at 2:34 p.m. on Friday, May 17, 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:

Assemblyman Richard Carrillo, Assembly District No. 18
Assemblyman Richard (Skip) Daly, Assembly District No. 31
Assemblyman Peter Livermore, Assembly District No. 40

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Thoran Towler, Labor Commissioner, Department of Business and Industry
Paul McKenzie, Executive Secretary-Treasurer, Building and Construction Trades
Council of Northern Nevada, AFL-CIO
Cadence Matijevich, City of Reno
John Slaughter, Washoe County

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Tom Clark, Black Rock City LLC
Jeff Fontaine, Executive Director, Nevada Association of Counties

Chair Parks:

Today we have a work session, so we will begin with Assembly Bill (A.B.) 312.

ASSEMBLY BILL 312 (1st Reprint): Makes various changes to the Charter of Carson City. (BDR S-41)

Patrick Guinan (Policy Analyst):

The work session document ([Exhibit C](#)) accompanies A.B. 312. We held this bill over from the last work session because there was discussion about potential amendments. An amendment has been proposed by the City of Carson City and the mock-up of Proposed Amendment 8977 for A.B. 312 is summarized in your work session document. During the initial work session, the Committee discussed an amendment submitted by Mary Walker on behalf of Carson City. That amendment has been replaced with Amendment 8977, so Ms. Walker's amendment is no longer part of this work session.

Chair Parks:

Did you have a chance to review the Proposed Amendment 8977 in [Exhibit C](#) emailed to you this morning by Mr. Guinan?

Assemblyman Peter Livermore (Assembly District No. 40):

I received the mock-up of the suggested language submitted by Mary Walker and Mayor Robert Crowell representing Carson City.

Chair Parks:

The proposed amendment does not change the intent of the amended language. It simply provides additional words to make it more specific.

Assemblyman Livermore:

Who presented the amendment?

Chair Parks:

This amendment was proposed by Carson City.

Assemblyman Livermore:

I agree that the recommendations made by Carson City are acceptable to me.

Senator Goicoechea:

Do you have any objections to the language in the other proposed amendment ([Exhibit D](#))?

Assemblyman Livermore:

I am reading item 2 from [Exhibit D](#). The joint meeting is where the Board and the Charter Committee plan to meet so that identification is unnecessary. "The Committee member shall not represent that any such legislative measure is approved or supported by the Board." This language is already in the existing ... "and shall disclose the same during any legislative proceeding where such measure is considered." I do not have a problem with that. In a sense of full disclosure, it would be warranted and forthcoming. Although it probably does not harm the legislation, it is unnecessary. However, if the Committee wants to add this language, I will not resist.

Senator Spearman:

As I understand it, the reason for this legislation is if the facts and findings of the Charter Committee need to be presented to the Legislature, they can be and they do not stop if there is no filter.

Assemblyman Livermore:

Yes, it is that. Again, not knowing who the Board members will be during that time, I can only speak to my experience. Some issues that came to mind were not relevant, but if the Charter Review Committee thought otherwise, they should have the right to bring it to the legislative body. The bill says the Charter Review Committee may select a member to bring that forth or seek legislation.

Senator Spearman:

Is there anything specific to the amendment that would prevent you from accomplishing the original goal?

Assemblyman Livermore:

No.

Chair Parks:

I believe we had a question regarding "without limitation," and Ms. Chlarson might have additional information for us.

Heidi Chlarson (Counsel):

Because of the lateness of receiving the amended language in [Exhibit D](#), staff has not had the chance to speak with the requestor of the additional amendment to clarify the intent. I question item 1 of [Exhibit D](#) that says to delete the phrase "without limitation" from section 1.090, subsection 1. For the Committee's information, bill section 1.5, the Charter of Carson City section 1.090, subsection 1, paragraph (e) of Proposed Amendment 8977 on page 3 of the work session document would be the impacted language. I am unsure why the [Exhibit D](#) amendment requests to take out "without limitation" and leave in "including." The intent of that change is not clear to me.

Chair Parks:

The language may be construed in a broad manner.

Senator Spearman:

Will the absence of that language change the intent of what Assemblyman Livermore is trying to achieve?

Ms. Chlarson:

I want to get clarification from the sponsor of the amended language. Paragraph (e) states, "Perform all functions and do all things necessary to accomplish the purpose for which it is established, including, without limitation, hold meetings and public hearings and obtain assistance from officers of the City to ensure the Committee's compliance with any law applicable to a public body." When we draft language including a list for purposes of illustration, we say "including without limitation." In this case, the language means the Charter Committee has the authority to perform the functions which include hold meetings, public hearings, obtain assistance from officers, etc. But it does not mean this is an exhaustive list. It means if there are other functions necessary for the Committee members to operate, they would also have authority beyond that specified in the bill. I wondered if taking out the language "without limitation" would limit the authority of the Charter Committee to only perform the functions of holding meetings and public hearings. This was just a question for me to understand the intent of the proposed amended language. If the Committee decides to adopt this portion of the amendment, the intent of the Committee would be clear in accepting that language.

Assemblyman Livermore:

As you may know, this language is a copy of A.B. 9 which was the bill for the Reno Charter. All of the language in A.B. 312 and included in A.B. 9 was already approved and adopted. This bill is no different for Carson City than for the City of Reno.

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

Chair Parks:

Item 2 of Exhibit D was intended to be more specific regarding the Charter Committee and at what point the activities would take place.

Senator Spearman:

If we look at the language that says “without limitation” and then go to the amendment where it says, “The Committee member shall not represent that any such legislative measure is approved or supported by the Board and shall disclose the same” Could one infer that by taking out “without limitation,” the person who presents the idea or submission to the Legislature could only say is it is not supported, or could the Committee have someone there to speak on its behalf? Right now, if you take out “without limitation,” it means the list included in the language is exhaustive. If we put the language back in, it is not. That means the Committee would have the authority to perform other duties as it sees fit.

Ms. Charlson:

Language in the amendment listed as item 1 in Exhibit D that proposes to take out “without limitation” impacts a different part of the bill. Taking out the language “without limitation” would not necessarily have an impact on the proposed language being added to section 1.090, subsection 2. Subsection 2 relates to a specific circumstance; so in the circumstance, subsection 2 governs the change regarding “including without limitation” as it relates to a paragraph that is the general authority of the Charter Committee to perform its functions. One change does not affect the other.

Senator Spearman:

I understand Assemblyman Livermore wants to make sure there is no filter for recommendations made by the Charter Committee. Should we vote this bill out of Committee, I want to ensure the amendments do not impede that intent.

SENATOR GOICOECHEA MOVED TO AMEND AND DO PASS AS AMENDED A.B. 312 WITH BOTH AMENDMENTS.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Parks:

We will now hear A.B. 50.

ASSEMBLY BILL 50 (1st Reprint): Revises provisions relating to local government finance. (BDR 22-253)

Mr. Guinan:

The work session document ([Exhibit E](#)) accompanies A.B. 50, which is sponsored by the Assembly Committee on Government Affairs on behalf of the City of Las Vegas.

SENATOR MANENDO MOVED TO AMEND AND DO PASS AS AMENDED A.B. 50 INCLUDING BOTH AMENDMENTS.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Parks:

We will hear A.B. 218 relative to public works.

ASSEMBLY BILL 218 (1st Reprint): Revises provisions relating to public works. (BDR 28-981)

Mr. Guinan:

The work session document ([Exhibit F](#)) accompanies A.B. 218, which is sponsored by the Assembly Committee on Government Affairs.

Chair Parks:

I want to make sure you have seen the proposed amendment and support it.

Thoran Towler (Labor Commissioner, Department of Business and Industry):

I have looked at the proposed language. My concern was the bill, as written, by exempting everyone during a collective bargaining agreement, created a possibility of abuse which would cause a skewing of the prevailing wage rates. So I do agree with the proposed language.

Senator Goicoechea:

I am still concerned that the way the bill is drafted, a separation remains between a union and a nonunion employee regarding the way rates are annualized.

Paul McKenzie (Executive Secretary-Treasurer, Building and Construction Trades Council of Northern Nevada, AFL-CIO):

There is no difference in how the rates are annualized. When we discussed the issue, it pertained to the enforcement portion of the bill. It was also discussed at our last workshop. If we had followed through with our proposal, we would have subjected a union contractor to double jeopardy. Under the trust fund, the union contractor has an enforcement mechanism. As soon as a payment is late, fees are assessed. If the payments are still not made, there could be a consequence of late fees, liquidated damages and legal fees to recover the funds. During that time frame, the worker never loses his or her benefits. The trust fund covers the benefits of that worker. I fear if we eliminate the exemption, a subcontractor who has not received payment from the general contractor will be late with the payment of his fringe benefits and subsequently assessed a late fee on that because he was not paid by the contractor. If the Labor Commissioner went after the subcontractor through the provisions of enforcement, he would be faced with double jeopardy. The subcontractor would be assessed a penalty by the Labor Commissioner plus the late fees, but the worker would never lose his benefits based on the trust fund agreement the contractor signed. The worker was made whole, but the Labor Commissioner could assess a penalty against the subcontractor, even though the worker never lost his benefits.

I had a discussion with the Labor Commissioner that led to the amended language. Many things within the union contract are not considered fringe benefits. Associated General Contractors' dues are paid on a worker's check,

and a worker may pay supplemental dues to his or her union. These are all reviewed by the Labor Commissioner who decides whether to include these items in the annual prevailing wage rate. Once the clarification is made, we do not want to remove this ability from the Labor Commissioner. Some of these items are not expected to be charged to the prevailing wage. I am an operating engineer by trade, and my wage package includes 65 cents per hour paid by the employer but not counted toward the prevailing wage. That determination is made by the Labor Commissioner during his review. The worker is paid the recognized benefits for every hour he or she works. If the employer happens to miss those payments, the trust fund will collect the fees rather than the Labor Commissioner. Under that scenario, the worker will never lose his or her benefits.

Senator Goicoechea:

I wanted to make sure a worker will never be prevented from collecting his or her benefits. I still have a concern with two standards.

Mr. McKenzie:

If I am a nonunion contractor who does not pay benefits to my workers, he or she will lose those benefits. If I am a union contractor who does not pay benefits to my workers, the trust fund continues to provide the benefits while they collect the payment. There is a clear difference about what happens to the employee. If a union contractor employer reports the payment on his or her certified payroll and does not pay the dues, the employee does not lose his or her benefits. In the case of a nonunion contractor, the employee does lose his or her benefits.

Senator Goicoechea:

The certification would be in place if it was a public works project; the contractor, union or nonunion, would have to pay those benefits if it was in fact a prevailing wage. At some point, someone will have to pay.

Mr. McKenzie:

Yes. Regardless of whether the contractor is union or nonunion, other provisions in the law will also be enforced for falsifying the certified payroll.

SENATOR SPEARMAN MOVED TO AMEND AND DO PASS AS
AMENDED A.B. 218.

SENATOR MANENDO SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS GOICOECHEA AND HAMMOND
VOTED NO.)

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Chair Parks:

The next bill is A.B. 223.

ASSEMBLY BILL 223 (1st Reprint): Revises provisions governing constables.
(BDR 3-15)

Mr. Guinan:

The work session document ([Exhibit G](#)) accompanies A.B. 223. The bill is sponsored by Assemblywoman Marilyn Kirkpatrick.

Senator Goicoechea:

Is Proposed Amendment 8991 the language Speaker Marilyn Kirkpatrick is comfortable with in order to amend the bill?

Mr. Guinan:

Yes.

Senator Goicoechea:

Would anything in addition to that amendment be considered unfriendly?

Mr. Guinan:

That is my understanding from Speaker Kirkpatrick.

Chair Parks:

Since townships have geographic boundaries that extend beyond incorporated cities, section 8.6 of Proposed Amendment 8991 reads, "Each constable of a township that has within its boundaries a city whose population is 150,000 or more shall ... " and then goes on to talk about the requirements. In this particular case in Clark County, it would be the Cities of Las Vegas, North Las Vegas and Henderson. Our legal counsel is nodding in the affirmative.

Senator Spearman:

This bill clarifies not only the duties and responsibilities of constables, but also projects the limitations in terms of acting on behalf of police officers. That seemed to be the concerns people had with the bill. This defines the responsibilities and duties of the constables and places limitations.

Ms. Chlarson:

I would not use the word "clarify" relative to some of these changes. Some of the changes are substantive. Currently, under statute, we do not distinguish between the required training or authority of constables based on population caps. The population is not a clarification, but a new requirement. In the larger township areas, such as Las Vegas, North Las Vegas and Henderson, the requirement for constables to be POST-certified is a new statutory requirement. According to some people, this may provide clarity and resolve some ambiguities about what they perceived existed in the law. I want to make it clear the bill goes beyond that to change some things that I would not qualify as clarifying changes.

Chair Parks:

Nevada Revised Statutes (NRS) 258 has a whole lot beyond what is in this bill.

SENATOR GOICOECHEA MOVED TO AMEND AND DO PASS AS AMENDED A.B. 223.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Parks:

We will move on to A.B. 231.

[ASSEMBLY BILL 231 \(1st Reprint\)](#): Revises provisions regarding local governing bodies. (BDR 20-1039)

Mr. Guinan:

The work session document ([Exhibit H](#)) goes with A.B. 231, which is sponsored by Assemblyman James Oscarson.

Chair Parks:

No amendments were offered on the bill.

SENATOR GOICOECHEA MOVED TO DO PASS A.B. 231.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Parks:

We will move on to A.B. 283.

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

Mr. Guinan:

The work session document ([Exhibit I](#)) accompanies A.B. 283, which is sponsored by Assemblyman Richard Daly. The Committee received a proposed conceptual amendment today from Senator Pat Spearman ([Exhibit J](#)).

Senator Goicoechea:

I want to ensure we are protecting the smaller contractors.

Senator Spearman:

I share your concern about equal access for all companies, small or large. My comfort level for the bill would increase with the acceptance of this proposed amended language. The amended language requires the bill to sunset on June 30, 2017. The amendment also requires every agency, including the Nevada Department of Transportation, to prepare a study identifying the recipients of contract awards, the cost of the contracts and the satisfaction level. Good business practices suggest this information is already available but the Legislature should be able to review this for equal access. A study should also identify processes inherent in the system that preclude equal access so those processes can be eliminated and all businesses are provided equal access. The whole purpose of this amendment is to ensure small businesses are covered and to address any unintended consequences in this legislation.

Senator Goicoechea:

Would you have a problem returning the expiration date to 2015 when we will be back for the next Legislative Session? I realize that will only give us one short season and a full season, but 4 years is a long time if there is no work.

Senator Spearman:

I thought about that when drafting this language. The reason for 2017 is that I am expecting an interim report in 2015. If things are going awry when we get back in 2015, we will be able to make those needed changes. That is the whole purpose for submitting this data.

Senator Goicoechea:

I look forward to working with you on this issue during the next Legislative Session.

Chair Parks:

I want to review one of the sections revised in the proposed amendment and ask Mr. Guinan to provide comment on section 8, subsection 3.

Mr. Guinan:

Section 8, subsection 3 of Proposed Amendment 8801 strikes restrictive language concerning applicants for these public works and inserts new language that expands the type of work included in an explanation of work experience a contractor can offer supporting an application for a construction manager at risk (CMAR) project. Concern was voiced at the initial hearing on the bill from some folks who had not done CMAR work but had experience with the work of a CMAR project. This section of the amendment addresses the concerns raised at the first hearing so the new language offers design-build, design-assist, negotiated work or value-engineered work and an explanation of that experience so it is more broad.

Senator Hammond:

Concerns were raised in the hearing that allowing those with previous CMAR experience to be considered in the process of getting a contract would limit the smaller contractors. Does the language you are referencing offer design-build as part of the experience for the contractor? Having design-assist, negotiated work or value-engineered work experience would also qualify the smaller contractors to participate in more CMAR projects.

Mr. Guinan:

It was not included previously, but it is allowed to be listed in the application submitted for the CMAR project as experience.

Senator Goicoechea:

Did the original bill allow the smaller counties to utilize three CMAR projects and now we are down to two?

Mr. Guinan:

It has always been two CMAR projects for the smaller counties.

Chair Parks:

Section 7.5, subsection 2 limits counties with populations of less than 100,000 to entering into two CMAR public works contracts per calendar year.

Senator Spearman:

I had an opportunity to speak with some of the people who have small businesses and took their concerns back to the sponsor of the bill. The amendment reflects our agreement. If that information is still in the amendment, it is an oversight. The concern was that if there were a limit in the bill, a threshold would be placed on small businesses that they may not be able to attain.

Chair Parks:

Should we consider removing this language from the amendment?

Senator Goicoechea:

I can go either way. Typically in the smaller jurisdictions, you would not have more than a couple of contracts that were meaningful projects. I did have some folks who said they have more than a couple of projects, but the limit of two projects might provide more opportunities for the smaller contractors. I would be okay with leaving the language in the amendment until 2015 when we can see how the project is working.

Senator Hammond:

In section 8, subsection 3, paragraphs (a) through (k), the amendment addresses the specialty experience but does not say "consider." The amendment just asks the applicant to list the specialty criteria so can we have

the public body consider it. Is this implied in another section of the bill or the amendment?

Chair Parks:

The wording does say "a proposal must include, without limitation" and then lists the specialty criteria.

Ms. Charlson:

Senator Hammond asked whether a proposal including CMAR experience versus a proposal including experience other than CMAR would carry the same weight. It is up to the public body, when assigning various weights to experience, as to how it will evaluate the different proposals. If it is the intent of the Committee to ensure experience is weighted equally between CMAR or other types of experience, the Committee would have to add language to this amendment.

Senator Spearman:

The amendments gets us farther along the road to wholeness than where we are now. I want to ensure there are no unintended consequences to small businesses. If adding language to the amendment will make sure there is equal access for all contractors, I can support it.

Assemblyman Richard (Skip) Daly (Assembly District No. 31):

When we discussed the bill during the hearing regarding the type of experience, we tried to open it up so if a contractor had experience with similar types of non-CMAR work, the public bodies would look upon it favorably rather than looking at just CMAR experience. Our intent is to provide the same opportunity for both large and small businesses to break in and bid CMAR projects.

Chair Parks:

There were three amendments proposed during the hearing. Are they included in the work session packet?

Mr. Guinan:

The amendments are not included in the draft amendment. The amendment proposed by Gus Nunez of the State Public Works Division (SPWD) can be found behind the blue sheet of paper, and the amended language proposed by Russell Rowe can be found behind the yellow sheet of paper. The amended language submitted by Mr. Rowe would not significantly change the amendment proposed by Assemblyman Daly. The amendment proposed by Mr. Nunez would

change the scope of project oversight by the SPWD. The Committee can take the amendments proposed by Assemblyman Daly, Senator Spearman and Mr. Rowe as a whole or individually. The amendment proposed by Mr. Nunez may require more discussion because it affects the bill a little more.

Chair Parks:

Did the sponsor have a chance to talk to Mr. Nunez about his proposed amendment?

Assemblyman Daly:

I spoke to Mr. Nunez about his amendment, and I felt it was going backward from some of the things that we had all agreed to in the meetings. When I say all agreed to, I mean most of the people in the meeting—Mr. Nunez did not agree. I am not in support of the amendment proposed by the SPWD. The amendment proposed by Mr. Rowe was never agreed to, but I did agree to work with him. I do not want to take that amendment either. I spoke with Senator Spearman, and I understand her reasons for the study and the sunset date in her amendment. I am in support of that amendment.

Chair Parks:

You indicated you had not seen the final wording for the amendment submitted by Mr. Rowe?

Assemblyman Daly:

I spoke to Mr. Rowe earlier today but have not seen the last piece. We have been through a couple of iterations and never quite hit the mark. The concerns are whether we have the right definition and do not define an engineering company that may be a subcontractor to a general contractor on the project or may be a contractor on the project. None of the other provisions in NRS 338—prompt pay, listing the subcontractors—would apply because companies do not meet the definition of contractor. We have not hit the mark yet that says they do not have to be licensed in NRS 624. If they are indeed contractors on public works projects, they must follow the rest of NRS 338. The contractors will need to pay prevailing wage, file pay reports and list the subcontractors. We have not yet found language that covers both.

Senator Spearman:

It is my understanding the other two amendments would change the intent of the bill. Are those things we might consider during the first iteration of

evaluation in 2015? Without amending the bill, could we take them into consideration in 2015 if these are valid concerns?

Assemblyman Daly:

The amendment proposed by Mr. Rowe is in the definitions, so that will not affect anything about the CMAR portion of the bill. There are some other cleanup sections in this bill. The amendment proposed by Mr. Nunez will change the bill. We went through many iterations and discussions about the 2-year experience from the bill last Session on how subcontractors are selected and how the *Nevada Administrative Code* is working. Proposed Amendment 8801 is meant to adjust some of the concerns we have identified. Mr. Nunez stated we may not get three bids, but there is a self-performance element and sometimes difficulty getting subcontractors. Mr. Nunez says he can waive that, but there are a lot of steps to go through when selecting a subcontractor, such as advertising and bringing people in to prequalify. If it does not work, there should not be additional steps. The amendment backtracks away from the consensus.

Yes, we will be looking at these issues during the interim. We will see if there are some concerns. We hope we have corrected one problem, and we will want to measure to see if it creates another problem we did not anticipate. We will certainly look at any loopholes or fix any unintended consequences in 2 years.

Senator Goicoechea:

I was looking at the amendment submitted by Mr. Nunez of the SPWD. I understand it is very expensive, especially if your subcontractors have to come to the preproposal meeting. On the other hand, we are dealing with something a little different. I will agree as long as we are looking at this in a short time frame. It is not inappropriate to inquire as to the subcontractor when the award is for a CMAR project. The more information the body has, the better. I am supportive of the amendment submitted by Mr. Nunez, but I can understand your reluctance to accept it.

Senator Spearman:

At the onset, I understood many of the small businesses that want to be involved now were not present. For those not present then, it is my hope that everyone here today receives contact information and remains involved in the process. If people have not been participating, we cannot get the dialogue on record when we come to the first iteration of evaluation. I further hope that

those who did not participate would do whatever they have to do as a cost of doing business to make that happen. That is my expectation. If you did not participate from the beginning, from this point forward you will. Doing otherwise is unfair to those who make the sacrifice to participate in ongoing dialogue. We need those voices when we come back in 2015 to see whether it is working.

Assemblyman Daly:

We have commitment from all of the public bodies, SPWD, NDOT, school districts, airport authorities and the contracting groups going forward. We will do the outreach on the contracting side to make sure that anyone who wants to be involved can be.

A CMAR is selected for the construction services portion, and the CMAR negotiates to perform the work. A contract award is for the construction services and negotiated for the construction. No subcontractors are involved while the CMAR is designing the project—which could take 6 months to a year. Afterward, the general contractor is selected, but that is a separate process. It is not like a design-bid when the subcontractors are listed because that is a different selection process. There is a prequalification process and a preconstruction meeting. Once companies that meet those two criteria are found, the advertisement is sent out for bids. The bids come in a sealed envelope. These are two vastly different processes.

Senator Goicoechea:

Language in the amendment proposed by Mr. Nunez asks you to provide that list before the proposal. The one who is purchasing the project will know who he or she is to work with from the start on a CMAR project.

SENATOR SPEARMAN MOVED TO AMEND AND DO PASS AS AMENDED A.B. 283 WITH THE AMENDMENTS SUGGESTED BY THE SPONSOR.

SENATOR MANENDO SECONDED THE MOTION.

Mr. Guinan:

Because of multiple amendments, did the motion of amend and do pass as amended include mock-up Proposed Amendment 8801 and the amended language proposed by Senator Spearman?

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Senator Spearman:

Yes.

Senator Goicoechea:

I support this motion and look forward to how this works out in 2015.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Parks:

That moves us on to the next bill, A.B. 363.

ASSEMBLY BILL 363 (1st Reprint): Makes various changes relating to abatement of public nuisances and conditions by local governments. (BDR 20-663)

Mr. Guinan:

The work session document (Exhibit K) accompanies A.B. 363, which is sponsored by Assemblyman Richard Carrillo.

Senator Goicoechea:

I want to ask the sponsor of the bill if these are both friendly amendments.

Chair Parks:

Assemblyman Carrillo is shaking his head, yes. Would this bill apply to a vehicle out of view or hidden from sight? What if I had a classic car in my backyard, out of sight from the street? Is someone going to fly over in a helicopter and drop a citation?

Assemblyman Richard Carrillo (Assembly District No. 18):

Anything out of sight or covered up is acceptable.

Senator Spearman:

My concern is not necessarily cosmetic as much as it is a safety issue. Even if there is a vehicle covered up in the backyard, I want to ensure it is stored safely. Kids will be kids; if the vehicle is up on blocks, kids could play around it and the unthinkable could happen.

Cadence Matijevich (City of Reno):

The bill provides for both safety and aesthetic value. Within A.B. 363, language is provided for cities and counties in NRS 244 and 268. While the chapters mirror each other, the existing language in NRS 268.4122, subsection 1, paragraph (a) provides for cities to take action if there is a dangerous structure or condition. Even if the vehicle were concealed, if it represented a dangerous condition, code enforcement or a police officer would conduct an analysis to affirm the condition. That condition is covered under a different subsection that speaks to the clearing of abandoned or junk vehicles. There is also language specific to Clark County with an allowance for a private tow operator to remove a vehicle from the property.

As a local government, we have safety as one of our primary concerns, but we would exercise an abundance of caution in dealing with someone's private property concealed in a backyard or in a front yard under an appropriate covering. If a vehicle up on a lift created an unsafe condition in the analysis of our code enforcement, we have the statutory authority to require the owner to abate that condition.

John Slaughter (Washoe County):

The intention of our amendment is not to change any original language in the bill. Ms. Chlarson pointed out that some language left out of the amendment proposed by Washoe County deals with a population of 700,000 or more, to clear abandoned, inoperable or junk vehicles not concealed from public view.

Ms. Chlarson:

On the first page of the amendment proposed by Washoe County, the language "junk vehicles which are not concealed from ordinary public view by means of inside storage, suitable fencing, opaque covering, trees, shrubbery or other means" is proposed to be deleted. I believe the intent of the amendment is to have that language reinserted in subsection 3 and track the proposed change from the City of Reno. I clarified with Mr. Slaughter that this was an inadvertent error so if the Committee moves forward with this amendment, the error would be fixed during the drafting process.

Assemblyman Carrillo:

With respect to the population language, it is currently 700,000 or more and that will be changed back to 700,000 or less?

Ms. Chlarson:

The population cap does not change. The language speaks to the car not being towed if it is covered or otherwise concealed. We want to clarify the same language presented by Ms. Matijevich from the City of Reno would also be in the amendment proposed by Mr. Slaughter for consistency.

Assemblyman Carrillo:

I was under the impression the amendment from Washoe County was similar to the City of Reno. I know deleted language is now being amended back into the bill. What does the amendment proposed by Washoe County do again?

Mr. Slaughter:

Our intent was to mirror the amendment proposed by the City of Reno by making it applicable to counties. During the cut and paste of the amendment, a section of the language did not carry over to the next section of the amendment. Currently, the amendment from Washoe County does not mirror the amendment from the City of Reno. The clarification would ensure the amendments mirror each other.

Chair Parks:

Does the 700,000 population cap deal strictly with the tow car provision?

Mr. Slaughter:

Yes.

SENATOR MANENDO MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 363.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Parks:

We have one more bill to hear. We just received a mock-up of Proposed Amendment 9003 for A.B. 374. We will take a brief recess to allow all interested parties to review the proposed amendment so we can catch any discrepancies sooner rather than later.

ASSEMBLY BILL 374 (2nd Reprint): Revises provisions relating to the authority of a board of county commissioners to regulate certain assemblies, events or activities. (BDR 20-520)

I will bring the Committee back to order to discuss Proposed Amendment 9003 to A.B. 374.

Senator Spearman:

I commend both parties for their willingness to stay with the process until an agreement. That says a lot about the laudable intentions of both parties. The whole process was designed so everyone could get something out of it.

SENATOR SPEARMAN MOVED TO AMEND AND DO PASS AS AMENDED A.B. 374 WITH PROPOSED AMENDMENT 9003.

SENATOR HAMMOND SECONDED THE MOTION.

Ms. Chlarson:

The proposed changes in the mock-up to A.B. 374 came to the Legal Division very late last night. We have been working on it this morning and this afternoon as well as having discussions with the various parties to make sure we understand the intent. We believe this Proposed Amendment 9003 in the work session document ([Exhibit L](#)) captures the intent of the information provided to us; however, because we received this at the last minute, if this amendment is adopted by the Committee, the Legal Division will need to further analyze and evaluate these provisions to ensure the legality of the measure. Some changes may need to be made to the language so the Legislative Counsel is comfortable the amendment is both legal and constitutional.

Senator Goicoechea:

Does Proposed Amendment 9003 include the amendments from both the Office of the Attorney General and the Nevada Association of Counties?

Ms. Chlarson:

The mock-up does not include the amendment proposed at the initial hearing from Brett Kandt from the Office of the Attorney General. I do not have any current information about whether Mr. Kandt has been involved in the discussions or if the parties want to include Mr. Kandt's amendment with

Proposed Amendment 9003. I cannot speak to whether the AG's Office is in agreement with the mock-up.

Senator Goicoechea:

Is the sponsor of the motion willing to accept the amendment proposed by the AG's Office?

Senator Spearman:

Yes. Both amendments will be included.

Mr. Guinan:

I spoke with the sponsors of the bill about the amendment submitted by the AG's Office, and they indicated they had spoken with representatives from that Office. The sponsors were comfortable with the amendment received today, and the AG was comfortable as well. The sponsors indicated they had not specifically discussed the amendment proposed by Mr. Kandt from the AG's Office. That is where it stands right now.

Senator Goicoechea:

The AG's Office is satisfied the language in the Proposed Amendment 9003 addressed its concerns as far as indemnification of the State?

Mr. Guinan:

It is not clear if that is exactly what the AG's Office indicated as I was not a part of the conversation.

Tom Clark (Black Rock City LLC):

The original amendment was reviewed by Mr. Kandt, and he agreed with the language as read. Because of the lateness of obtaining this proposed amendment, he may not have seen the amendment yet. We will make sure Mr. Kandt reviews the amendment in order to make corrections as needed.

Senator Goicoechea:

Would it be appropriate to approve this language and let staff incorporate all of the language into the amendment? It seems to be the intent to make sure all parties are covered by the amendment. It is important to provide immunity for the State of Nevada for these assemblies, events and activities occurring on federal lands.

Chair Parks:

We also have the opportunity to request an amendment during a Floor Session if there are any missing elements at a later date.

Mr. Clark:

We will speak with Mr. Kandt at the AG's Office to make sure he is comfortable with the language in the proposed amendment.

Jeff Fontaine (Executive Director, Nevada Association of Counties):

When we met with the members of Legal Division from the Legislative Counsel Bureau this morning, they were aware of the amendment submitted by the AG's Office. We actually had similar language in our proposed amendment; Legal staff felt the language was not necessary and removed it.

Chair Parks:

We will make sure all parties have a chance to review the amendment once it is drafted. We have a motion made by Senator Spearman and seconded by Senator Hammond.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Parks:

That concludes our posted bills on today's agenda for the Senate Committee on Government Affairs. The meeting is adjourned at 4:34 p.m.

RESPECTFULLY SUBMITTED:

Martha Barnes,
Committee Secretary

APPROVED BY:

Senator David R. Parks, Chair

DATE: _____

<u>EXHIBITS</u>				
Bill	Exhibit		Witness / Agency	Description
	A	2		Agenda
	B	2		Attendance Roster
A.B. 312	C	4	Patrick Guinan	Work Session Document
A.B. 312	D	1	City of Carson City	Additional Proposed Changes to AB312
A.B. 50	E	3	Patrick Guinan	Work Session Document
A.B. 218	F	2	Patrick Guinan	Work Session Document
A.B. 223	G	43	Patrick Guinan	Work Session Document
A.B. 231	H	1	Patrick Guinan	Work Session Document
A.B. 283	I	25	Patrick Guinan	Work Session Document
A.B. 283	J	1	Senator Pat Spearman	Proposed Conceptual Amendment for Assembly Bill No. 283
A.B. 363	K	5	Patrick Guinan	Work Session Document
A.B. 374	L	10	Patrick Guinan	Work Session Document