

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

**Seventy-Eighth Session
May 30, 2015**

The Committee on Government Affairs was called to order by Chairman John Ellison at 4:05 p.m. on Saturday, May 30, 2015, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/78th2015. In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman John Ellison, Chairman
Assemblyman John Moore, Vice Chairman
Assemblyman Richard Carrillo
Assemblyman Edgar Flores
Assemblywoman Amber Joiner
Assemblyman Harvey J. Munford
Assemblywoman Dina Neal
Assemblywoman Shelly M. Shelton
Assemblyman Stephen H. Silberkraus
Assemblywoman Ellen B. Spiegel
Assemblyman Lynn D. Stewart
Assemblyman Jim Wheeler
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

Assemblywoman Victoria A. Dooling (excused)

GUEST LEGISLATORS PRESENT:

None



STAFF MEMBERS PRESENT:

Brenda J. Erdoes, Legislative Counsel
Risa B. Lang, Chief Deputy Legislative Counsel
Jered McDonald, Committee Policy Analyst
Eileen O'Grady, Committee Counsel
Erin Barlow, Committee Secretary
Cheryl Williams, Committee Assistant

OTHERS PRESENT:

None

Chairman Ellison:

[Roll was taken. Committee rules and protocol were explained.] Today we have Assembly Bill 492.

Assembly Bill 492: Makes various changes to provisions relating to administrative regulations. (BDR 18-1281)

Brenda J. Erdoes, Legislative Counsel:

We appreciate you hearing this bill; we brought it late. We try to get legislators' bills drafted first, and then when we get time, we do our own. This bill solves three problems we have observed during this last interim. In this bill, sections 1, 2, 4, and 6 relate to the small business impact statements. Sections 3 and 7 are about the 30 days the Legislative Counsel has to return regulations to the requesting agency. Sections 3, 5, and 7 also apply to health care regulations.

I will start with section 2, subsection 2 because it is the main section concerning small business impact statements. The Legislature put part of this language in during the 2013 Legislative Session. When it all got combined, we found it had some duplication in it. It currently provides that if an agency finds that their regulation does have some impact on a small business, they are required to go through all these steps, outlined in paragraphs (a) through (d). The agency must make sure they have this statement as well as complying with the *Nevada Revised Statutes* (NRS) Chapter 233B.0609, which is not in the bill.

Under subsection 3, if you are the agency and you find that there is no small business impact in your regulation, you have to explain in a statement how you arrived at that decision and that you must make certification. In section 3, subsection 4, it says in NRS that each adopted regulation submitted must be accompanied by a copy of both these statements. What we think will work better is that you separate them and only do one or the other of these two

statements. In this case, under section 2, subsection 2, if you find that there is a small business impact, you have to go through all the steps to explain what the impact is, consider methods to reduce that impact, modify fees or fines to make it work better, and all the other things that are listed there. Another option would be if there is not an impact, just take the second option of the explanation of how you arrived at that decision. Then you sign a certification saying you made a concerted effort to make sure you really went through this to find out what was happening. The other sections relating to this provision, sections 1, 4, and 6, are all conforming changes where we make it clear that this is an "or." You either do one statement or the other. For example, on page 2, line 22, you can see that we are just adding "or" there, and it has to be one or the other.

Section 3 starts on page 5. This section is a clarifying section. The way regulations work are that an executive branch agency can come in and give us a proposed regulation. Then the Legislative Counsel has 30 days to get the language back to them. It is very similar to submitting a bill draft request. We review the proposed regulation for legality, write the language, and make it work out. But during the year beginning July 1 of each odd numbered year, for that year until June 30 we are focusing on regulations, and that is when the 30 days apply. That is what it states here. During the other year, the agency may adopt temporary regulations or adopt emergency regulations. For many years, that is how agencies functioned. They made permanent regulations during the even year and temporary regulations during the session year. What we see now is a trend toward not wanting to do the temporary regulations because if you do one, you do not get the Legislative Counsel's language. Therefore, when you place it, the language does not match, may not work, and we have to change it. But the biggest issue is when they draft, amend, and adopt a temporary regulation, that regulation expires the next November 1 and they must adopt a permanent regulation before that time. In a sense, they have to go through two sets of hearings and expenses twice. Most agencies are not doing that anymore. We propose that we would continue to accept regulations during the even-numbered year, but instead of the 30-day requirement, we would instead get the language back to them as soon as possible.

The last part relates to the Legislative Committee on Health Care. Section 7, subsection 2 says that the [Health Care] Committee "shall" review any regulations. Section 7, subsection 1 strikes "a licensing board" and specifies which ones to take out in the stricken language. What we replace it with is the Committee "may" review them. The idea is that we would give them notice of the regulations that come out. They could choose any regulations that apply to health care. It would not just be licensing boards, but if there are other regulations such as environmental health that might affect health care, they

could review those regulations as well. The way we envision this working is that we would submit the list to the Health Care Committee, and they could choose which ones they want a summary of. Right now, we have to prepare a summary for every one of the regulations. Many times, the Health Care Committee is just not interested in some of those at all. We think this is a more efficient and effective law.

Assemblywoman Spiegel:

I have served on the Legislative Committee on Health Care. I know the committee only meets six times during the interim. Would the regulations then not be within a 30-day time frame and during the regularly scheduled meetings, or if something were urgent, would that cause the chair to have emergency or additional meetings?

Brenda Erdoes:

Nothing about that is really changing. We cannot control when those licensing regulations come up. There have been times in Nevada history where there have been health scares and things the Health Care Committee wanted to address. In those cases, there is money in the Legislative Commission's budget to allow emergency meetings. We think that this way, the Health Care Committee could look at all of the regulations, and if they found something they thought needed to be looked at before it went to the Commission, they would be able to do that, as they are able to now.

Assemblyman Stewart:

Would this affect the way regulations come before the Legislative Commission?

Brenda Erdoes:

No, it does not change that at all. Currently, the regulations that go through the Legislative Committee on Health Care are not affected when they go through the Legislative Commission. In other words, we do not hold them up from the Legislative Commission or change it, and we still would not do that.

Assemblywoman Joiner:

In section 3, I was trying to follow what you were explaining regarding the temporary regulations. It sounds like by adding this provision, that in even numbered years agencies could submit their regulations but you would not necessarily be required to get back to them in 30 days, and it gives another option. You are not doing away with the temporary regulation option of doing it twice, you are just adding additional options. You can submit it once, as long as you are not worried about it being in 30 days?

Brenda Erdoes:

Correct. We are not really adding that; it is already the case. This says that we do not have to accept them, so that made people think that we were not supposed to or did not need to. We were clarifying. We do that now, primarily because we have had so many agencies come forward saying they do not want to have to do temporary regulations and wanting us to do them whenever we can. We are formalizing that.

Assemblyman Carrillo:

Section 3, subsection 2 says "as soon as possible." Are you finding that it becomes cumbersome and that this will lighten the load? You are the hardest working people in this building. This is more for my own understanding.

Brenda Erdoes:

We put that in there because we have to give preference in the year that starts July 1 of an even-numbered year. Then we are preparing for the legislative session. We would use the regulation work as filler when we do not have enough bills for everyone to draft. Because of how the deadlines fall and how legislators ask for the bills, we will have periods where we do not have work. We can work on regulations without hurting that process. For example, as we build up to the time when prefiling bills is required, we have everyone we can get working on bill drafts. We would not be doing any regulations during that time. During December and January before the session, we definitely would not be doing regulations. For most of the session, we also would not be doing regulations. Once in a while we have downtime, and we would be able to do regulations at that point.

Risa B. Lang, Chief Deputy Legislative Counsel, Legislative Counsel Bureau:

To clarify, we are not changing the 30 days for the periods when we are not in session. On line 22 of page 5, the 30 days is still there. This is just for the period when we are preparing for session that we will just get it to them as soon as we can.

Assemblyman Carrillo:

I want to thank you for all your hard work this session.

Chairman Ellison:

Do you think this will get passed through the process fast enough?

Brenda Erdoes:

We believe so. We are certainly going to try.

Chairman Ellison:

You have been wonderful to me for the last three sessions. I could never thank you enough. We have heard the bill. Are there any other questions? [There were none.] Is there anyone else in favor of the bill? [There was no one.] Is there anyone opposed? [There was no one.] Is there anyone testifying as neutral? [There was no one.] I will accept a motion.

ASSEMBLYMAN WHEELER MADE A MOTION TO DO PASS
ASSEMBLY BILL 492.

ASSEMBLYMAN CARRILLO SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN DOOLING WAS
ABSENT FOR THE VOTE.)

Is anyone here for public comment? [There was no one.] We are adjourned
[at 4:22 p.m.].

RESPECTFULLY SUBMITTED:

Erin Barlow
Committee Secretary

APPROVED BY:

Assemblyman John Ellison, Chair

DATE: _____

EXHIBITS

Committee Name: Assembly Committee on Government Affairs

Date: May 30, 2015

Time of Meeting: 4:05 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster