

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

**Seventy-Eighth Session
May 1, 2015**

The Senate Committee on Government Affairs was called to order by Chair Pete Goicoechea at 1:37 p.m. on Friday, May 1, 2015, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4404B 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 Pete Goicoechea, Chair
Senator Joe P. Hardy, Vice Chair
Senator Mark A. Lipparelli
Senator David R. Parks
Senator Kelvin Atkinson

GUEST LEGISLATORS PRESENT:

Assemblywoman Dina Neal, Assembly District No. 7

STAFF MEMBERS PRESENT:

Jennifer Ruedy, Policy Analyst
Heidi Chlarson, Counsel
Nate Hauger, Committee Secretary

OTHERS PRESENT:

Janet Murphy, Deputy Chief, Budget Division, Department of Administration
Caleb S. Cage, Director of Military and Veterans Policy, Office of the Governor
Darrol Brown, Vietnam Veterans of America, Chapter 388
Ben Griffith, Chiropractic Physicians' Board of Nevada
Justin Harrison, Las Vegas Metro Chamber of Commerce
Buffy Brown, Senior Research Specialist, Administrative Division, State Gaming Control Board

Chair Pete Goicoechea:

I will open the meeting on Assembly Bill (A.B.) 20.

ASSEMBLY BILL 20 (1st Reprint): Revises provisions relating to the budget of the Executive Department of State Government. (BDR 31-287)

Janet Murphy (Deputy Chief, Budget Division, Department of Administration):
Assembly Bill 20 addresses a conflict between two statutes within the State Budget Act and streamlines the approval of work programs. I have provided written testimony ([Exhibit C](#)).

Chair Goicoechea:

Nevada Revised Statute (NRS) 353.335, subsection 5 states, a State agency may accept up to \$150,000 in governmental grants. Would it require Interim Finance Committee (IFC) approval to accept those grants?

Ms. Murphy:

The IFC would not have to approve acceptance of those grants.

Chair Goicoechea:

Would the IFC have to deal with them if they were over \$20,000?

Ms. Murphy:

Yes, if they meet the IFC thresholds in NRS 353.220, which requires approval for changes to individual expenditure categories that exceed \$75,000 or 10 percent of the budget for the fiscal year. We cannot apply NRS 353.335, subsection 5 because it conflicts with NRS 353.220.

Chair Goicoechea:

Does this bill delete that section?

Ms. Murphy:

The threshold of \$75,000 or 10 percent for IFC approval will remain, but nongovernmental grants and gifts under \$20,000 and governmental grants that do not exceed \$150,000 will be exempt from the threshold.

Chair Goicoechea:

Is that in section 1, subsection 8, paragraph (a) of the bill?

Ms. Murphy:
Yes.

Chair Goicoechea:
Will that replace section 1, subsection 8, paragraph (a) of the original bill?

Ms. Murphy:
Yes.

Chair Goicoechea:
Section 1, subsection 8, paragraph (a) in the bill says "As result of the acceptance of a gift or grant of property or services" Will the language we just discussed replace that?

Ms. Murphy:
Yes. What we will put in section 1, subsection 8, paragraph (a) is that the threshold of \$75,000 or 10 percent will not apply as a result of the acceptance of a gift or grant of property or services pursuant to NRS 353.335 subsection 5. The document you are looking at is not an amendment to the bill, it is my testimony ([Exhibit C](#)).

Senator Lipparelli:
This bill would bring efficiency. Would the IFC have objections to the automatic holdover? Is the IFC concerned about not seeing the progress of the program?

Ms. Murphy:
No. When we move forward with no proposed changes, those are not even heard; they are consent agenda items. We could always report back. Oftentimes these programs have an IFC work program because they are adding authority somewhere, and we can report the progress of the program.

Senator Lipparelli:
Do those normally have a term associated with them that it is expected to be expended by the end of the biennium?

Ms. Murphy:
The federal fiscal year is October through September, the State fiscal year is July through June. Many times those federal grants for the 3-month period between June and September expire on September 30.

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Chair Goicoechea:

All this bill does is change the thresholds.

Ms. Murphy:

For gifts, grants and ...

Chair Goicoechea:

... and extending authority for the unexpended balances.

Ms. Murphy:

That is correct.

Chair Goicoechea:

The hearing on A.B. 20 is now closed, and I will open the hearing on A.B. 62.

ASSEMBLY BILL 62 (2nd Reprint): Revises certain provisions relating to veterans. (BDR 19-298)

Caleb S. Cage (Director of Military and Veterans Policy, Office of the Governor):

This bill offers seven recommendations for veteran services. The bill: creates Veterans Day at the Legislature as a day of observance during session; provides for reporting and internment of unaccompanied veteran remains; provides for the naming of State buildings and property after fallen Nevada veterans; revises provisions related to preferences in State purchasing for businesses owned by veterans and veterans with service-connected disabilities; allows for a xeriscaping option at the State's two veteran memorial cemeteries; requires the director of the Department of Veterans Services to provide a comprehensive legislative report following each Legislative Session with an update to the veteran community on bills that have passed and budget items in effect; and requires State agencies serving veterans to provide information on the veterans they serve to the Interagency Council on Veterans Affairs. I provided written testimony ([Exhibit D](#)).

Senator Lipparelli:

You testified that section 15, subsection 1, paragraph (a) of the bill says that the service-connected disability would be between 0 percent and 50 percent, but that is not in the bill. That section says that any service-connected disability would give veterans the bid preference.

Mr. Cage:

If veterans have service-connected disabilities of 60 percent, they would still be eligible to pursue projects under this chapter between \$50,000 and \$250,000. If veterans do not have 50 percent or greater service-connected disability ratings, they would not be eligible for the second tier of \$250,000 to \$500,000.

Senator Lipparelli:

For \$50,000 to \$250,000 it is any disability, but for the higher tier a veteran has to have a 50 percent or higher disability to be eligible for the bid preference.

Mr. Cage:

That is correct.

Chair Goicoechea:

Section 34.5, subsection 1 states:

If the county agency that is responsible for interring or cremating the remains of indigent persons obtains custody of the unclaimed human remains of a deceased person whom the county agency knows, has reason to know or reasonably believes is a veteran, the county agency shall report the name of the deceased person to the Department of Veterans Services as soon as practicable after obtaining custody of the remains.

How long would the process take before the Department of Veterans Services could notify the county or agency that the remains are those of a veteran and the Department would cover the interment?

Mr. Cage:

The State of Nevada works with volunteer groups to ensure that these remains are properly interred. Sometimes the remains come with records and are clearly identified as eligible veterans for interment in the cemetery, and in those cases the process is fast. The cemetery in Fernley hosts a monthly unaccompanied ceremony, and in Boulder City, it is weekly. When I was director of Veterans Services, sometimes we had what we believed to be the remains of a veteran for months before we could formally identify them because the U.S. Department of Veterans Affairs will not allow interment unless the individual is eligible. The

length of the process depends on how readily available the identification paperwork is for the deceased person.

Chair Goicoechea:

We are assuming the remains are in a mortuary and have to be maintained, which would cost money. If the remains were there for an extended period, some of these county agencies would not be happy, especially if it was later determined that they were not the remains of a veteran.

Mr. Cage:

In all situations I have seen, this refers to cremated remains. Other states have had situations where remains have been on the shelf for years. This bill would ensure that would not happen. It also works in conjunction with nonprofit agencies and veteran advocates throughout the State.

Chair Goicoechea:

I was more concerned of remains being held on ice, which would be expensive.

Mr. Cage:

The counties pay for cremation immediately.

Senator Parks:

In most instances, do mortuaries not retain the remains of veterans for a lengthy period of time? I have read reports that mortuaries have had unidentified remains, and I was always curious as to how they got them. Would most of these remains be in the custody of the coroner?

Senator Atkinson:

In most cases if the remains are unidentified, they are kept in the county crypt. The crypt continues to grow, so the county has to expand it. If the family of the deceased has not contracted the mortuary, the county possesses the remains.

Mr. Cage:

To Senator Parks' question, the original bill required this of county coroners. We met with the Nevada Association of Counties and several county representatives, including the assistant coroner in Las Vegas, and they said this is not a coroner function since these functions differ within each county. As a result of those conversations, we changed the language to be more generic in reference to the service provider at the county level.

Darrol Brown (Vietnam Veterans of America, Chapter 388):

I support this bill, but I have concerns. Certain sections discuss members of the Nevada National Guard. There are people living in Nevada who are members of other states' National Guards. This may cause unfair treatment under federal law.

Chair Goicoechea:

Most of those sections pertain to higher education and tuition waivers.

Mr. Brown:

That is correct.

Chair Goicoechea:

That is in statute; we gave it to the National Guard in the last 10 years.

Mr. Brown:

About 2 years ago, a complaint was filed against the State of Nevada by an Arizona National Guard member because he lived in Clark County and felt he was not being treated fairly by his employer.

Ben Griffith (Chiropractic Physicians' Board of Nevada):

We support this bill.

Chair Goicoechea:

I will close the hearing on A.B. 62 and begin the work session.

Jennifer Ruedy (Policy Analyst):

We will begin the work session with A.B. 14. Details of this bill can be found in the work session document ([Exhibit E](#)).

ASSEMBLY BILL 14 (1st Reprint): Makes requirements for management of bad debts consistent among agencies of the Executive Branch of the State Government. (BDR 18-457)

SENATOR HARDY MOVED TO DO PASS A.B. 14.

SENATOR LIPPARELLI SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Ms. Ruedy:

The next bill in work session is A.B. 19. Details for this bill can be found in the work session document ([Exhibit F](#)).

ASSEMBLY BILL 19 (1st Reprint): Revises provisions governing the timing of the adoption of tentative budgets by certain local governments. (BDR 31-456)

Senator Parks:

Having filed numerous budgets myself, the Department of Taxation has a large amount of work to do and the staff has a narrow window of time to do it. I can understand that a 1-week change would be problematic.

SENATOR PARKS MOVED TO DO PASS A.B. 19.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Ms. Ruedy:

The next bill in work session is A.B. 25. Details for this bill can be found in the work session document ([Exhibit G](#)).

ASSEMBLY BILL 25 (1st Reprint): Revises provisions governing the residential construction tax. (BDR 22-454)

SENATOR LIPPARELLI MOVED TO DO PASS A.B. 25.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Ms. Ruedy:

The next bill on work session is A.B. 43. Details for this bill can be found in the work session document ([Exhibit H](#)).

ASSEMBLY BILL 43 (1st Reprint): Clarifies confidentiality provisions governing certain documents. (BDR 35-377)

SENATOR HARDY MOVED TO DO PASS A.B. 43.

SENATOR PARKS SECONDED THE MOTION.

Senator Lipparelli:

The bill says, "until a notice of intent to award the contract is issued." I heard a concern from members of the Nevada Department of Transportation (NDOT) staff that the Department could get into the contract stage with a party and may not be able to execute the contract. I do not know what "notice of intent to award" means. Is that during the contract stage, or does the contract signing follow the notice of intent?

Heidi Chlarson (Counsel):

At the point that "notice of intent to award the contract" occurs, the public body would need to approve it at a public hearing. The bill is saying that the records would be confidential until the "notice of intent." The information can be disclosed when the public body is approving the contract.

Senator Lipparelli:

The NDOT staff had a concern that if the contract stage fails, once the other bidders become aware of the specific terms and offerings made in the bid stage, it would be fair game to use that information.

Chair Goicoechea:

The "notice of intent to award the contract" would have to be established when the bidder is selected and that would become public record. There are cases when the lowest bidder does not receive the contract, but it is an open record. When the governing body is ready to award the contract, that constitutes intent and the contract is public.

Senator Hardy:

When the most responsive bidder is accepted and it has to be approved by the government entity, does that release all of the bid documents from every bidder, or just the most responsive bidder?

Ms. Chlarson:

This bill was proposed by the NDOT, and I do not know whether this bill would take a motion of do pass or amend and do pass. I will speak with the representatives from NDOT and find out the concerns.

Chair Goicoechea:

We selected an apparent low bidder and everything was open, but there could be discrepancies in the contract and you would announce the low bidder. That would be intent to award as long as the contract complied. I will pull A.B. 43 from the work session.

We will now hear A.B. 58.

ASSEMBLY BILL 58: Provides the powers of peace officer to all sworn personnel of the Department of Public Safety. (BDR 23-355)

Ms. Ruedy:

Details for A.B. 58 can be found in the work session document ([Exhibit I](#)).

SENATOR LIPPARELLI MOVED TO DO PASS A.B. 58.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Ms. Ruedy:

The next bill on work session is A.B. 90. Details for this bill can be found in the work session document ([Exhibit J](#)).

ASSEMBLY BILL 90 (1st Reprint): Establishes the Nevada Intrastate Mutual Aid System. (BDR 36-391)

SENATOR PARKS MOVED TO DO PASS A.B. 90.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Ms. Ruedy:

The next bill on the work session is A.B. 180. This bill is detailed in the work session document ([Exhibit K](#)).

ASSEMBLY BILL 180: Revises provisions governing the biennial audit requirements for the Public Employees' Retirement System. (BDR 23-569)

SENATOR LIPPARELLI MOVED TO DO PASS A.B. 180.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Ms. Ruedy:

We will now hear A.B. 194 which is detailed in the work session document ([Exhibit L](#)).

ASSEMBLY BILL 194: Revises provisions governing historic preservation. (BDR 33-246)

SENATOR PARKS MOVED TO DO PASS A.B. 194.

SENATOR ATKINSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Ms. Ruedy:

We will now hear A.B. 202 which is discussed in the work session document ([Exhibit M](#)).

ASSEMBLY BILL 202: Makes various changes relating to the acquisition of land by a county. (BDR 20-570)

SENATOR HARDY MOVED TO DO PASS A.B. 202.

SENATOR LIPPARELLI SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Ms. Ruedy:

We will now hear A.B. 415 which is discussed in the work session document ([Exhibit N](#)).

ASSEMBLY BILL 415 (1st Reprint): Revises provisions relating to the use of water in a federal reclamation project. (BDR 48-928)

SENATOR ATKINSON MOVED TO DO PASS A.B. 415.

SENATOR LIPPARELLI SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Goicoechea:

I will now close the work session, and we will hear A.B. 236.

ASSEMBLY BILL 236 (1st Reprint): Enacts provisions related to the promotion of public engagement by state agencies. (BDR 18-697)

Assemblywoman Dina Neal (Assembly District No. 7):

Assembly Bill 236 is a public engagement bill. It allows State agencies to further engage the public through social media, train employees in social media and in

rural counties, if there is a substantial change to policy, a county can hold a public meeting or workshop. This is an enabling bill. Certain agencies already do some level of public engagement. For instance, the Department of Motor Vehicles has a Facebook account. However, not all agencies are as skilled in their social media usage. This bill would help all agencies expand their social media presence to increase public knowledge of government activities.

This bill ensures that government entities obtain permission to use any images they capture. The proposed amendment we have today ([Exhibit O](#)) in section 1, subsection 1, paragraph (c) replaces the word "major" with the word "substantial" so if there is a substantial change to the policy of a State agency, the agency is encouraged to the extent feasible to hold a public workshop. This proposed amendment came from the Nevada Gaming Commission because the agency had concerns about the definition of "major." For instance, if the City of Ely was disincorporated, that would be considered a substantial change worth announcing on social media.

Chair Goicoechea:

Are there any other proposed amendments on this bill?

Assemblywoman Neal:

Yes.

Senator Hardy:

In the bill, all the provisions from section 1, subsection 2 through section 2 exist.

Assemblywoman Neal:

Yes. The other proposed amendment affects section 1, subsection 1, paragraph (c) on line 36 where the word "policy" would be replaced with "regulation" and the word "shall" would be replaced with "is encouraged."

Senator Hardy:

So the proposed amendment would replace some words in the bill, but the rest of the bill would remain the same.

Assemblywoman Neal:

Yes.

Senator Lipparelli:

I like this bill up until line 8 on page 2. What does section 1, subsection 1, paragraph (a), subparagraph (3) mean when it says, "Ensure that the use of the Internet and Internet tools does not disrupt a public meeting of the State agency?"

Assemblywoman Neal:

In the Assembly, we discussed the Public Utilities Commission (PUC) meetings. Members of the public wanted their questions about the meeting answered on social media. The public information officer could answer questions during and after the meetings so as not to disrupt the meetings.

Senator Lipparelli:

Section 1, subsection 1, paragraph (a), subparagraph (1) states "Require that any information communicated by the state agency ... is written in easily understood language." How do we handle the case where the State agency's language is technical? For instance, mining engineering is not easily understood by people outside of the industry.

Assemblywoman Neal:

We discussed that. The PUC often uses technical language, and the agency was okay with that section in the bill. Language can only be simplified so much before the meaning is changed. I have posted bill summaries and people have trouble understanding them. We could aim to simplify the language we post on social media to an eighth- or tenth-grade reading level.

Senator Lipparelli:

Section 1, subsection 1, paragraph (c) could relate to the agencies' other obligations. The language regarding substantial policy changes may be too prescriptive. Anybody could claim that any policy change is substantial in how it affects one individual's life. However, for the agency it may be a bit part in an otherwise active set of agency responsibilities. Do lines 3 through 8 of the bill on page 2 not accomplish the full intent of the bill?

Assemblywoman Neal:

Those lines do accomplish the intent. The additional parts of the bill resulted after the Assembly discussion and concerns. Some constituents came to Carson City with suggestions. One person could think something is a substantial change and another person could disagree. We could change it to say

substantial change that is believed to exist by the responsible party. The agency staff could make a decision about what to put out to the public. We want to enable agencies to do that.

You say that is prescriptive, but if we take that portion out of the bill, when should agencies let the public know? The provision only applies to small counties where fewer people need to be reached. It is easier to have a discussion about what is a substantial change in smaller counties because they are always in people's business. The people in small counties already know what is going on because they go to city council meetings.

Senator Lipparelli:

I encouraged the State Gaming Control Board to dramatically expand how it uses the Internet. I like the intent of the bill. One agency that changes its regulations might want to make a workshop on a regulation change known to the public. However, another agency could say, we are not going to take that action anymore, and we think that is simple and not worthy of putting it on the Internet. Somebody could make a claim that the agency made a substantial change and did not tell us about it.

Assemblywoman Neal:

Those are valid points. Line 1 on page 3 says, to the "extent feasible." We can clarify what is feasible and substantial without tying the hands of a State agency with enabling legislation. When State agencies are told what to do, sometimes they choose not to do it.

Senator Hardy:

I like the idea of ensuring that the use of the Internet would not disrupt a public meeting. However, I do not know how we can ensure that. An active online chat can be distracting to people in the meeting. I do not know how to prevent a person's mind or computer cursor from wandering.

Assemblywoman Neal:

One of the best examples is how the Las Vegas City Council uses its social media chat. It is off to the side of the screen showing scrollable questions and suggestions from the public. The audience can see it, but there is not necessarily dialogue. When questions are taken in the meeting, the Council can use questions from that social media chat. The City of Las Vegas uses it well in a way that does not disrupt the meeting.

Senator Hardy:

Do the City Council members see the social media feed as well?

Assemblywoman Neal:

I do not know what the City Council members see.

Senator Hardy:

Is it on member computers?

Assemblywoman Neal:

I do not think so. But they can see it on the large screen.

Ms. Chlarson:

In the proposed amendment, the provisions in paragraph (c) apply to regulations of State agencies. Regulations are subject to the Administrative Procedures Act in NRS 233B. Under statute, State agencies are required to hold public workshops where they solicit and accept public comment. I do not know if any authorize the submission using the Internet and Internet tools. Many State agencies hold meetings and workshops in Carson City. Carson City is a county with a population under 100,000. Many State agencies may already be complying with this recommendation.

Assemblywoman Neal:

This was the proposed language from the Gaming Commission?

Senator Lipparelli:

It would be beneficial for the State agencies to use the Internet to notify interested parties about regulations. Prior to my tenure, we still did mass mailings and were moving quickly toward making people aware of regulation and technical standard changes. It has been adopted by most people as the way they hear about the upcoming regulation changes. We also allowed people to receive their notices by snail mail. Most people now get their information from the Internet.

Chair Goicoechea:

Many rural counties do not have a social media person on staff. If somebody who does not understand what is being discussed in the meeting posts something during the meeting on social media about the topic, it could cause

problems. Most smaller jurisdictions do not have a public information officer; the clerk records the minutes.

Assemblywoman Neal:

That is why the language after the words "to the extent feasible" is important. It is important to train a public engagement specialist or another employee to use social media. This bill is enabling; government entities would not be required to do anything. The agencies are encouraged to the extent practicable, within the limits of the available money, to develop a policy in public engagement that incorporates the use of Internet and Internet tools for the purpose of encouraging public participation and soliciting public comments.

Chair Goicoechea:

Some rural counties may not start using social media, but some of them might. I like that this bill is only enabling and nudges counties toward using new media. If the counties jumped into using social media too quickly, I would be nervous about what information they put on social media.

Justin Harrison (Las Vegas Metro Chamber of Commerce):

We support this bill. It will help modernize the way the State interfaces with its citizens while promoting transparency across all levels of State government. It will also encourage engagement and making information accessible to everyone.

Chair Goicoechea:

Technically, a State agency is over 100,000, so are they exempt?

Mr. Harrison:

I do not know.

Chair Goicoechea:

It says county; I was putting you on the spot.

Buffy Brown (Senior Research Specialist, Administrative Division, State Gaming Control Board):

We are neutral on this bill.

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Chair Goicoechea:

The meeting is adjourned at 3:01 p.m.

RESPECTFULLY SUBMITTED:

Nate Hauger,
Committee Secretary

APPROVED BY:

Senator Pete Goicoechea, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	3		Attendance Roster
A.B. 20	C	2	Janet Murphy / Budget Division	Written Testimony
A.B. 62	D	3	Caleb S. Cage / Office of the Governor	Bill Walk-Through
A.B. 14	E	1	Jennifer Ruedy	Work Session Document
A.B. 19	F	1	Jennifer Ruedy	Work Session Document
A.B. 25	G	1	Jennifer Ruedy	Work Session Document
A.B. 43	H	1	Jennifer Ruedy	Work Session Document
A.B. 58	I	1	Jennifer Ruedy	Work Session Document
A.B. 90	J	1	Jennifer Ruedy	Work Session Document
A.B. 180	K	1	Jennifer Ruedy	Work Session Document
A.B. 194	L	1	Jennifer Ruedy	Work Session Document
A.B. 202	M	1	Jennifer Ruedy	Work Session Document
A.B. 415	N	1	Jennifer Ruedy	Work Session Document
A.B. 236	O	1	Assemblywoman Dina Neal	Proposed Amendment