

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

**Seventy-ninth Session
February 20, 2017**

The Senate Committee on Government Affairs was called to order by Chair David R. Parks at 1:04 p.m. on Monday, February 20, 2017, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was video conferenced to Room 4412 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 Mark A. Manendo, Vice Chair
Senator Julia Ratti
Senator Joseph P. Hardy
Senator Pete Goicoechea

GUEST LEGISLATORS PRESENT:

Senator Heidi Gansert, Senatorial District No. 15

STAFF MEMBERS PRESENT:

Jennifer Ruedy, Policy Analyst
Heidi Chlarson, Counsel
Debi Szaro, Committee Secretary

OTHERS PRESENT:

Tray Abney, The Chamber
Liz MacMenamin, Retail Association of Nevada
Andy MacKay, Executive Director, Nevada Franchised Auto Dealers Association
Jaron Hildebrand, Nevada Trucking Association

CHAIR PARKS:

I open the hearing on Senate Bill 160. Senator Heidi Gansert will present the bill.

SENATE BILL 160: Revises provisions relating to administrative regulations.
(BDR 18-610)

SENATOR HEIDI GANSERT (Senatorial District No. 15):

I received feedback regarding our regulatory process from individuals interested in regulatory hearings. At meetings there would be a series of drafts of the proposed regulations. This bill is an effort to clear the confusion at the regulatory hearing. I provided a flow chart ([Exhibit C](#)) which covers the proposed regulatory process in the bill. There is a public workshop, and 30 days prior to a public hearing there is a notice of intent to act on draft regulations. Three days prior to the hearing, the agenda requires posting according to the Open Meeting Law. The agenda includes time, place and location. This bill adds a requirement that an updated draft of regulations be posted at that time. If regulations have evolved between the 30-day notice of the hearing, then 3 days prior, the regulations need to be reposted for attendees of the hearing.

SENATOR HARDY:

The interim Legislative Committee on Health Care reads and hears a proposed regulation. We do not vote on it, but it gets forwarded to the Legislative Commission for approval. Will this change any of that?

SENATOR GANSERT:

This process happens before the regulation goes to the Legislative Commission. It will occur before you have the hearing and approval by that agency. It does not affect your stated process since the draft is updated before the hearing.

SENATOR HARDY:

What happens is the Legislative Health Committee gets the regulation after it has been approved by the Legislative Commission, which is not the way it is supposed to work. Legislative intent is to continue performing the right order at the right time so the Legislative Health Committee can see the regulation as it is going to be presented to the Legislative Commission, instead of changed after the Legislative Health Committee views it and it is forwarded to the Commission. Legislators should be able to view updated posted regulations before the draft goes to the Legislative Commission, and if changes occur in between, then the three-day rule will still apply?

SENATOR GANSERT:

At the hearing, attendees will have the same draft, but content changes of the regulatory draft can be made at the hearing and moved forward. When there are many changes, the option to have another hearing would require the process of a 30-day notice and 3-day notice. It does not change the path of a regulation but makes better transparency before a hearing on the revisions of the working draft.

SENATOR GOICOECHEA:

I have concerns regarding the posting of the regulations because the volume of contents might require a large area to be posted. Perhaps you would be better to say "must be made available." The rural area bulletin boards can be small. Is that what you are talking about?

SENATOR GANSERT:

No. It does not get physically posted. It requires being available, most likely online. Sometimes there is a physical posting of an agenda. We need to make sure the draft is available online but not necessarily as a printed copy.

SENATOR GOICOECHEA:

The bill says regulations for the hearing must be posted.

SENATOR GANSERT:

I will change the language to reflect available online or posted online, not the physical document posted on a board.

CHAIR PARKS:

While reviewing this bill, I was concerned we might be restarting that 30-day posting period, but from your discussion, you are indicating that may not necessarily be the case?

SENATOR GANSERT:

Section 2 was edited with a sentence so that it does not create an infinite loop. It is mostly for the first hearing. There is not a requirement of a subsequent hearing although there could be. It is about providing an updated version of draft regulations prior to the actual hearing date.

CHAIR PARKS:

At one point, it was so confusing because there would be four versions and no two people were on the same page.

TRAY ABNEY (The Chamber):

We support this bill. Updated regulatory meeting schedules are important to this legislative process beyond the 120 days we spend at the Legislature.

LIZ MACMENAMIN (Retail Association of Nevada):

Notification of updates to regulatory meetings scheduled is important to my business. The board I am involved with is conscientious, however consistency is key to what is going on. I support this bill.

ANDY MACKAY (Executive Director, Nevada Franchised Auto Dealers Association):

I was in the regulatory arena running a State agency, and the best form of a rule-making process is transparency in the regulatory process. I support this bill which is a tremendous step forward.

JARON HILDEBRAND (Nevada Trucking Association):

We support this bill.

SENATOR RATTI:

I echo Senator Goicoechea's concern that it does not become a posting issue and the language is updated to reflect what is available online.

SENATOR GANSERT:

I am open to that amendment.

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CHAIR PARKS:

I close the hearing on Senate Bill 160. The meeting is adjourned at 1:18 p.m.

RESPECTFULLY SUBMITTED:

Debi Szaro,
Committee Secretary

APPROVED BY:

Senator David R. Parks, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	2		Attendance Roster
S.B. 160	C	1	Senator Heidi Gansert	Flow Chart of Open Meeting Law