

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

**Eightieth Session  
April 12, 2019**

The Senate Committee on Government Affairs was called to order by Chair David R. Parks at 12:35 p.m. on Friday, April 12, 2019, in Room 2149 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 David R. Parks, Chair  
Senator Melanie Scheible, Vice Chair  
Senator James Ohrenschall  
Senator Ben Kieckhefer  
Senator Pete Goicoechea

**GUEST LEGISLATORS PRESENT:**

Senator Nicole J. Cannizzaro, Senatorial District No. 6  
Senator Moises Denis, Senatorial District No. 2  
Senator Joseph P. Hardy, Senatorial District No. 12  
Senator Marilyn Dondero Loop, Senatorial District No. 8

**STAFF MEMBERS PRESENT:**

Jennifer Ruedy, Committee Policy Analyst  
Heidi Chlarson, Committee Counsel  
Suzanne Efford, Committee Secretary

**OTHERS PRESENT:**

Warren Hardy, Associated Builders and Contractors of Nevada; Nevada League of Cities and Municipalities  
William Stanley, Southern Nevada Building Trades Unions  
Paul McKenzie, Building & Construction Trades Council of Northern Nevada, AFL-CIO

Senate Committee on Government Affairs  
April 12, 2019  
Page 2

Kelly Crompton, City of Las Vegas  
Brittany Walker, Holland & Hart, LLP

CHAIR PARKS:

After a number of discussions, the Committee has decided to withdraw Senate Bill (S.B.) 11 and S.B. 141 from the work session agenda.

**SENATE BILL 11**: Revises the requirements to qualify for and maintain an exemption from certain regulations concerning building codes. (BDR 42-460)

**SENATE BILL 141**: Revises provisions relating to the Nevada Equal Rights Commission. (BDR S-249)

CHAIR PARKS:

We will open the hearing on S.B. 243.

**SENATE BILL 243**: Revises provisions relating to prevailing wages. (BDR 28-768)

SENATOR JOSEPH P. HARDY (Senatorial District No. 12):

Senate Bill 243 represents a partnership of ideals, policies and people interested in the economic development of the entire State.

The bill requires the Labor Commissioner to establish four prevailing wage regions in Nevada: Washoe County, Clark County, a northern Nevada rural region and a southern Nevada rural region. The bill also requires the Labor Commissioner to conduct prevailing wage surveys every other year.

WARREN HARDY (Associated Builders and Contractors of Nevada; Nevada League of Cities and Municipalities):

The Nevada League of Cities and Municipalities supports this compromise.

Senate Bill 243 will be replaced, in its entirety, by the proposed amendment (Exhibit C).

I have been involved with prevailing wage for a while to develop a process that works for union and nonunion employers. One of the issues is that it is difficult for rural region wage surveys to become part of the survey process. The

proposed amendment, [Exhibit C](#), is a good faith effort and compromise to address that issue and have the rural counties' participation in the survey process make a difference. I appreciate Paul McKenzie's and William Stanley's willingness to listen and understand what we are doing about this issue.

We are also making adjustments to the way the survey is conducted in order to benefit all Nevadans and those who work in the construction industry. This will also take a significant burden off the Labor Commissioner.

The proposed amendment will require the Labor Commissioner to establish four prevailing wage regions in Nevada: the Washoe County Region, the Clark County Region, the Northern Nevada Rural Region and the Southern Nevada Rural Region. Sometimes it is difficult to include small county wages in the survey. This will provide a bigger pot for the wage surveys from the rural counties to make a difference in the process. At the same time, it creates a bigger pot for union wage surveys to establish the prevailing wage. We have no concerns with that. We want to make sure that all wages are included in the surveys.

The proposed amendment will require the Labor Commissioner to conduct the prevailing wage survey every other year. In most cases, a two-year process is more than enough time to detect any dramatic shifts or changes in the labor market. Requiring the Labor Commissioner to conduct the survey every year is a duplication of effort. In most cases, over a two-year period, the union rate will still be the union rate in the nonsurvey year and likewise for the nonunion rate.

In the survey year, the Labor Commissioner will go through the same process for calculating the rates as provided by *Nevada Revised Statutes* (NRS) 338.030. In the nonsurvey year, whatever the collectively bargained rate is for a particular trade will be the rate for that year. Prevailing wage for union and nonunion workers is outlined in the prevailing wage law.

In the survey year, prevailing wage is established by the survey. In the nonsurvey year, the Labor Commissioner will use the collectively bargained agreement wage. If the collectively bargained wage has increased or decreased, that will be the wage for the nonsurvey year. For nonunion workers in the nonsurvey year, we are requesting that the Consumer Price Index, West Region increase be included in that wage.

The Labor Commissioner will only have to conduct the survey every two years. A significant amount of time and resources are required to conduct these surveys. It is also a significant amount of time and resources for the construction companies to participate because it is a voluntary program.

SENATOR KIECKHEFER:

Has the decision been made about what constitutes the northern rural region? Are the Washoe and Clark County Regions those particular counties or would the Washoe County Region include Carson City?

MR. HARDY:

Clark County will be a region and Washoe County will be a region. The other regions in the State will be determined by the Labor Commissioner. There is a fairly well established description of what is included in the northern and southern regions. That is what will be used to determine which is north and which is south.

SENATOR GOICOECHEA:

I support this bill. Over the years, I have tried to effect different rate changes by county. I remember one year trying to survey 11 different trades from Humboldt County. After the surveys came in, only one rate out of the 11 trades was changed. This will go a long way to obtain more responses from contractors in the rural counties. If five or six counties are surveyed together, the rates might be changed.

I appreciate this bill. It is long overdue.

WILLIAM STANLEY (Southern Nevada Building Trades Unions):

This bill and its amendment will align the survey process in Nevada with the federal surveys conducted under the Davis-Bacon Act. Rural counties are surveyed as rural counties and metropolitan counties are surveyed as metropolitan counties. Rural counties will not influence metropolitan areas and metropolitan areas do not influence rural counties.

I hope everyone is in agreement. Could we ask for a show of hands of those in the room who are from the labor movement who support this amendment?

SENATOR PARKS:

Could I have a show of hands of those individuals who are in support of S.B. 243? Could I have a show of hands of those who are opposed to S.B. 243? No hands were raised in opposition. Are there any who are neutral? No one raised his or her hand.

PAUL MCKENZIE (Building & Construction Trades Council of Northern Nevada, AFL-CIO):

I apologize for not getting the amendment to you sooner. This was a push to not only reach an agreement, but to bring our affiliates along and convince them that this was something that could be a win-win for everybody. It was not until 9:00 p.m. last night that we had a draft amendment to look at and agree to.

I have been in this Legislature Building for several sessions, and one of the things I have heard again and again from rural Legislators is that they do not like the way prevailing wage surveys are done because rural counties do not have a voice in them. This is an attempt to give rural counties a voice. We will see how it works.

It is a testament to Senator Hardy's ability to bring people together. He was able to have Mr. Hardy and these two building trades guys sit down and resolve an issue that has been discussed for a number of years.

CHAIR PARKS:

I will take a motion on S.B. 243.

SENATOR GOICOECHEA MOVED TO AMEND AND DO PASS AS AMENDED S.B. 243.

SENATOR KIECKHEFER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR PARKS:

We will open the work session on S.B. 28.

**SENATE BILL 28**: Revises provisions governing confidentiality of information gathered by Nevada Equal Rights Commission. (BDR 18-231)

JENNIFER RUEDY (Committee Policy Analyst):

I will present an overview of S.B. 28 from the work session document ([Exhibit D](#)).

SENATOR OHRENSCHALL MOVED TO DO PASS S.B. 28.

SENATOR SCHEIBLE SECONDED THE MOTION.

SENATOR KIECKHEFER:

My objections with this bill remain; however, I have not invested the time to try to address them. I am concerned that giving the Nevada Equal Rights Commission (NERC) the ability to turn businesses over to their licensing authority while an allegation may still be denied creates a somewhat coercive system. It will force businesses into settlements when they may not want to settle.

SENATOR GOICOECHEA:

My view on this is that it takes NERC from a position of a mediator, which it should be, to a position of a regulatory agency. The NERC would be able to coerce businesses to either cooperate or turn them into their regulatory authority. That is wrong. The NERC should be more of a mediator.

SENATOR SCHEIBLE:

My intention was to vote this out of Committee and reserve my right to change my vote on the Floor. I have concerns about the bill. Based on the hearing, I was not convinced that it offers a lot of benefits to NERC or allows it to better prevent discrimination. I am not convinced either way.

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

\* \* \* \* \*

CHAIR PARKS:

The next bill in the work session is S.B. 166.

**SENATE BILL 166**: Revises provisions relating to employment. (BDR 18-5)

MS. RUEDY:

I will present S.B. 166 from the work session document ([Exhibit E](#)).

We received a proposed amendment ([Exhibit F](#)) to S.B. 166 this morning after the work session document had been printed which removes punitive damages.

There was also another amendment suggested this morning, not included in the work session document, on subsection 3 of section 1. There was opposition to that civil penalty. I am not sure what the pleasure of the Committee is.

CHAIR PARKS:

I recommend the deletion of subsection 3 in section 1 from the proposed amendment.

SENATOR KIECKHEFER:

Are you proposing to amend the imposition of civil penalties entirely or just where the money goes?

CHAIR PARKS:

I am recommending removing all of subsection 3 in section 1. If the sponsors want to impose penalties, there is another way to deposit those funds.

SENATOR KIECKHEFER:

You want to eliminate subsection 3 in section 1. The outline of the imposition of the civil penalties is in section 3, subsection 3. Is it your intent to strike section 1, subsection 3 from the proposed amendment as well as all of the language outlining the civil penalties on page 4?

CHAIR PARKS:

My recommendation is to revise where the funds are deposited. I want to take out the reference to the gift fund starting with the second sentence which states "must be accounted for separately in ... ," in line 15 on page 2 of the proposed amendment, [Exhibit F](#). The funds would go to the General Fund.

SENATOR SCHEIBLE:

This piece of legislation is incredibly important. I do not think Senator Spearman would mind if I share with the Committee that she had to leave today to see a

sick family member. I know she wishes she could be here to reiterate how important it is that women get paid the same amount as men for equal work. She has worked hard on this proposed amendment. She met with multiple stakeholders, multiple times over multiple months to make sure this is something that everyone can agree on and adhere to. It is important to honor that process and pass this bill.

SENATOR GOICOECHEA:

I am a little unclear. The amendment proposed by Senator Spearman that calls for the penalties of \$50,000, \$100,000, \$200,000 and \$300,000, is that not being considered, page 3, [Exhibit E](#)? It is dated March 6.

Ms. RUEDY:

The proposed amendment dated April 12 is being substituted for the proposed amendment dated March 6.

SENATOR KIECKHEFER:

Ms. Ruedy, when you were walking through the proposed amendment, [Exhibit F](#), you referenced access to a court. I am having a hard time finding to which part of the proposed amendment you are referring.

HEIDI CHLARSON (Committee Counsel):

Some language was deleted starting on line 25, page 5 of [Exhibit F](#). Then on page 10 starting on line 8 some language was deleted. The intent of those changes was to remove the authority for a court to impose punitive damages.

SENATOR GOICOECHEA:

The only entity that could impose these penalties is NERC. Is there a court or appeals system?

Ms. CHLARSON:

The NERC would impose the civil penalties set forth in the graduated fees. However, if NERC imposes civil penalties, a person could still go to court and appeal that decision.

The amendment takes out the authority of a court to issue punitive damages on top of the civil penalties.



Senate Committee on Government Affairs  
April 12, 2019  
Page 9

SENATOR GOICOECHEA:

I wanted to make sure a process was in place if someone did not agree with NERC.

SENATOR OHRENSCHALL MOVED TO AMEND AND DO PASS AS AMENDED S.B. 166 WITH SENATOR SPEARMAN'S PROPOSED AMENDMENT AND THE OTHER CHANGES MENTIONED IN SECTION 1, SUBSECTION 3.

SENATOR SCHEIBLE SECONDED THE MOTION.

SENATOR KIECKHEFER:

The proposed amendment addresses many of the concerns I had on this bill but today is my first time looking at it. Earlier, I had expressed my concerns about the roll NERC plays. I am going to continue to oppose the bill based on my lack of time to process this proposed amendment. However, I reserve my right to change my vote on the Floor as I get more comfortable with it.

SENATOR GOICOECHEA:

I, too, have not had a chance to let it all sink in. I will support it out of Committee and reserve my right to change my vote on the Floor.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR PARKS:

The next bill in the work session is S.B. 180.

**SENATE BILL 180**: Requires certain contractors to post a performance bond before being awarded by a governmental entity certain contracts related to information technology. (BDR 27-739)

Ms. RUEDY:

I will present an overview of S.B. 180 and its proposed amendment from the work session document ([Exhibit G](#)).

SENATOR GOICOECHEA MOVED TO AMEND AND DO PASS AS AMENDED S.B. 180.

SENATOR ORENSCHALL SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR PARKS:

The next bill in the work session is S.B. 206.

**SENATE BILL 206**: Revises provisions relating to state financial administration.  
(BDR 31-806)

MS. RUEDY:

I will summarize S.B. 206 and its proposed amendment from the work session document ([Exhibit H](#)).

SENATOR GOICOECHEA MOVED TO AMEND AND DO PASS AS  
AMENDED S.B. 206.

SENATOR SCHEIBLE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR PARKS:

That takes us to the next bill in the work session, S.B. 242.

**SENATE BILL 242**: Revises provisions relating to peace officers. (BDR 23-1066)

MS. RUEDY:

I will present an overview of S.B. 242 from the work session document ([Exhibit I](#)).

The proposed amendment was received this morning and is separate from the work session document ([Exhibit J](#)). It was submitted by Senator Nicole Cannizzaro.

SENATOR KIECKHEFER:

I am trying to cross reference some of the deletions. The deletion of section 3 relates to the issue about body camera videos. What are we accomplishing through the proposed amendment?

SENATOR NICOLE CANNIZZARO (Senatorial District No. 6):

There were concerns over the language in section 3 of the bill. In my opening remarks at the hearing, I indicated that it was not our intent to prohibit access to body camera videos or in any way to undo the work done in past Legislative Sessions, especially by Attorney General Aaron Ford. There were many concerns over how that language was being interpreted which I understood when I sat down and looked at the bill. It could be interpreted as having some impact on body cameras, and we did not want that to be the case. With the deletion of sections 3 and 9, we accomplished my intent to ensure that there was still full access as to body camera videos as had been worked on for several sessions.

SENATOR KIECKHEFER:

The proposed amendment addresses everything we discussed in Committee.

SENATOR CANNIZZARO:

Section 5 of the bill also caused concern. The intent of the original language was to allow officers who are under investigation to have representation from their respective unions. However, the language in section 5 had dealt with an officer who is not telling the truth. We have deleted that.

SENATOR GOICOECHEA:

I am more comfortable with the bill than I was. However, I still have concerns with section 2, subsection 5 which says "any statement a peace officer is compelled to make pursuant to this chapter shall not be disclosed or used in a civil case." That is not normal. Why the preferential treatment for peace officers?

SENATOR CANNIZZARO:

I have spoken with law enforcement in Clark County. One of the things we added is if the officer's testimony is not consistent with statements made during the personnel investigation, a judge can review them and release those inconsistent statements to the parties involved. This would still allow full cross-examination. If an officer gives two different versions of a story, the

different versions could be the subject of the civil case but still respect the confidentiality of certain personnel records. If the officer is not inconsistent, then that would not be disclosed. Usually, the purpose of disclosing a statement during the course of a civil action is to ensure proper cross-examination and vetting witness reliability. A function for that would remain. That is what this proposed amendment addresses.

SENATOR KIECKHEFER MOVED TO AMEND AND DO PASS AS AMENDED S.B. 242.

SENATOR ORENSCHALL SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR PARKS:

The next bill is S.B. 272.

**SENATE BILL 272**: Revises provisions relating to the Public Employees' Retirement System. (BDR 23-749)

MS. RUEDY:

I will summarize S.B. 272 and its proposed amendment from the work session document ([Exhibit K](#)).

SENATOR GOICOECHEA:

Even though I support the Nevada Highway Patrol, this is not the appropriate way to go forward with pay raises when they are needed in all State agencies. I am going to oppose this bill. We are going to have to develop a better plan to give everyone a raise.

CHAIR PARKS:

More work needs to be done. The right place to work on that would be in the Senate Committee on Finance. If this Committee wants to move the bill, we can make a motion to amend and do pass and re-refer it to the Finance Committee or we can simply re-refer it.

Senate Committee on Government Affairs  
April 12, 2019  
Page 13

We will re-refer S.B. 272 to the Senate Committee on Finance without recommendation.

SENATOR GOICOECHEA MOVED TO RE-REFER WITHOUT RECOMMENDATION S.B. 272 TO THE SENATE COMMITTEE ON FINANCE.

SENATOR KIECKHEFER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR PARKS:

The next bill in the work session is S.B. 287.

**SENATE BILL 287**: Revises provisions governing public records. (BDR 19-648)

MS. RUEDY:

I will summarize S.B. 287 from the work session document ([Exhibit L](#)).

The work session document contains three different proposed amendments. However, the bill's sponsor would prefer that a fourth proposed amendment be considered over the other three. The fourth proposed amendment would be in lieu of the other three ([Exhibit M](#)).

Senate Bill 287 deals with public records. Section 1 of the bill provides for a civil penalty relating to public records. The proposed amendment revises section 1, defines public record and clarifies that the actual cost to a governmental entity for making copies does not include overhead and labor costs incurred.

Section 2, subsection 1 of the proposed amendment, page 1, clarifies the materials to be copied.

Database, data processing software and metadata are stricken from section 3 of the bill which defines public record—page 2 of the proposed amendment.

Section 5 authorizes the electronic redaction of public records and requires an entity to provide a copy of a public record in an electronic format unless the

copy was requested in a different medium. The proposed amendment deletes some language from that section—page 2 of the proposed amendment.

There is going to be a new subsection 5 starting on page 9, line 1 of the bill, page 2 of the proposed amendment, [Exhibit M](#).

In section 6, subsection 3, page 11, line 3 of the bill, page 3 of the proposed amendment, the following language will be inserted: "This information shall be updated as appropriate, including if a different person makes a subsequent decision in connection with the request."

The proposed amendment deletes section 10, page 12, lines 41 through 45 of the bill. It restores the repealed section of NRS 239.055.

The proposed amendment, [Exhibit M](#), pages 3 and 4, adds two new sections.

That is the amendment the sponsor of the bill would like considered.

CHAIR PARKS:

The proposed conceptual amendment I brought forward has a variety of revisions to various sections. I looked at it as a way of approving one or more of those sections if it is the pleasure of the Committee.

SENATOR KIECKHEFER:

You have done much work in putting together some compromise language. My struggle is that it is hard for me to cross reference all of this in its current form. I have questions on a number of pieces in the new sections.

During the hearing, I stated that this is an issue on which I have been on both sides. I was a public information officer for the State as well as a reporter covering State and local governments. I want to pass a bill that works. I am happy to do whatever you like to keep moving this process forward, but I do not feel comfortable not knowing what this means in terms of applicability.

CHAIR PARKS:

This is much to swallow, especially in the last section on the fourth page of the proposed amendment. It may be overly broad and need further revision.

This bill has been declared eligible for exemption which means that it would be considered by the Senate Committee on Finance. One of the alternatives is to re-refer the bill and the other one is to amend and do pass with a re-referral to the Finance Committee. I know that there is much interest. That level of interest is evolving. We could work on this in the form of a subcommittee within the Finance Committee if that is the pleasure of the Committee.

SENATOR SCHEIBLE:

I want to clarify, for the purposes of this work session, whether we considering just the most recently submitted conceptual amendment or are we considering all the amendments previously proposed as well?

CHAIR PARKS:

I am open to any and all proposed amendments. I offered this one amendment to possibly revise the original bill.

SENATOR OHRENSCHALL:

If it is your wish to send this to the Finance Committee, I too have concerns. Perhaps I do not understand all the language in the proposed amendments. I would prefer to re-refer the bill with no recommendation but whatever is your and the Committee's pleasure.

SENATOR KIECKHEFER:

If you would like to re-refer it to the Senate Committee on Finance, I would be happy to put together a working group to ensure we bring everybody together and work through the five different amendments and the language in the original bill. We will consult with you on something that might be to your liking.

CHAIR PARKS:

That would be fine for me.

SENATOR KIECKHEFER MOVED TO RE-REFER S.B. 287 TO THE SENATE COMMITTEE ON FINANCE.

SENATOR OHRENSCHALL SECONDED THE MOTION.

CHAIR PARKS:

I have heard reference to a possible further work session with interested parties. That certainly can be accomplished.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR PARKS:

We all know this is a challenging issue.

We will move on to the next bill in the work session, S.B. 327.

SENATE BILL 327: Revises provisions relating to land use planning. (BDR 22-883)

MS. RUEDY:

I will present an overview of S.B. 327 and its proposed amendment ([Exhibit N](#)).

The proposed amendment in the work session document, [Exhibit N](#) deletes sections 2 through 14. Section 15 of the proposed amendment adds the definition of a residential dwelling unit, and the amendment adds section 16.

SENATOR KIECKHEFER:

I appreciate you processing this bill on a night when I was absent from the Committee and was not able to answer questions. I know that subsequent to the hearing some additional questions came up regarding the sort of public process that would be used if it is adopted into law and chosen to be used by a city. I will make a commitment to any Committee members that I will circle back with them and ensure that their questions are answered before this comes up for a vote on the Floor.

SENATOR GOICOCHEA:

On the night of the hearing there was no testimony in opposition to the bill.

SENATOR GOICOCHEA MOVED TO AMEND AND DO PASS AS AMENDED S.B. 327.

SENATOR KIECKHEFER SECONDED THE MOTION.

SENATOR SCHEIBLE:

As my colleague alluded, I had some questions come up after the hearing on the bill, therefore I will reserve my right to change my vote on the Floor.



Senator Kieckhefer has been generous to work with me to answer all those questions.

SENATOR OHRENSCHALL:

I also share some of Senator Scheible's questions. I appreciate all of the hard work that Senator Kieckhefer has done on this bill. I will vote to support it out, but I reserve my right as well.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR PARKS:

The next bill in the work session is S.B. 338.

**SENATE BILL 338**: Makes various changes relating to the regulation of fireworks. (BDR 42-34)

MS. RUEDY:

I will summarize S.B. 338 and its proposed amendment from the work session document ([Exhibit O](#)).

A proposed amendment provided by Senator Ohrenschall is included in the work session document. Is this the amendment that the sponsor would like considered?

SENATOR OHRENSCHALL:

We arrived at consensus and have something that could increase safety. There is one error in the amendment on page 14 that is not part of the consensus, [Exhibit O](#). Paragraphs 3 and 4 deal with large amounts of fireworks and with proposed criminal penalties. The consensus was to delete these two paragraphs. They should not be in the amendment and not considered by the Committee. Otherwise, this is the amendment we agreed to and I commit to work with the State Fire Marshal and other interested parties if there are any further amendments we need down the road if this bill moves forward.

CHAIR PARKS:

Do you foresee any further amendments other than the one we have?

SENATOR OHRENSCHALL:

I hope not, but never say never. If there is something that needs to be corrected, I am open to that. However, this is it except for the error on the last page of the conceptual amendment.

SENATOR KIECKHEFER:

I represent a district that has some desert and then much timber in it. I want to make sure that local jurisdictions continue to have authority to protect the unique aspects of their communities. I am referring specifically to the Lake Tahoe region where fireworks can do a lot of damage really fast. I want to make sure that there is nothing in the amendment that strips out its authority to continue enforcing and regulating fireworks at Lake Tahoe.

CHAIR PARKS:

This does not cause limitations.

SENATOR OHRENSCHALL:

The intent with the proposed amendment, [Exhibit O](#), to S.B. 338 is to set a floor and to have a State fireworks law that is at least as stringent as the local jurisdiction laws. However, the local jurisdiction can be more stringent if there is a desire. There is nothing in the bill that would prohibit local jurisdictions from enforcing their fireworks laws or even getting assistance from the State Fire Marshal or vice versa. This is meant to set a floor, but if an area in northern Nevada does not want to have any fireworks, that would be allowed. In Clark County, where the desire is to have safe and sane fireworks, that would be allowed. The goal is to have a floor that would prohibit the very dangerous fireworks that cause the problems we heard about at the hearing.

SENATOR SCHEIBLE MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 338.

SENATOR KIECKHEFER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR PARKS:

The next bill in the works session is S.B. 340.

Senate Committee on Government Affairs  
April 12, 2019  
Page 19

**SENATE BILL 340**: Revises provisions relating to public works. (BDR 28-808)

MS. RUEDY:

I will summarize S.B. 340 and its proposed amendment from the work session document ([Exhibit P](#)).

The proposed amendment, page 2, [Exhibit P](#), changes the language in section 1 to:

A worker, as defined in NRS 338.010, who delivers construction material, from or to a point within 100 miles of the public work, and necessary in the execution of a contract for the public work shall be deemed to be employed on the public work.

SENATOR MARILYN DONDERO LOOP (Senatorial District No. 8):

This was heard in your Committee without the proposed amendment. The stakeholders worked on making this more amenable. Hauling materials from a point and to a point within 100 miles of the public work will be covered under prevailing wage. Some of the concerns were the long distances required to haul certain materials. We hope that materials are being purchased within our State and supporting our businesses. We recognize that we have a vast set of 17 counties. As Senator Goicoechea knows, Humboldt County is almost 10,000 square miles and Elko County is 17,000 square miles. Clark County is about 7,900 square miles. From my house in Senate District 8 to Boulder City is between 30 miles and 100 miles; from my house to Mesquite would be 90 miles. We thought 100 miles was a fair assessment.

CHAIR PARKS:

Was there discussion regarding hauling material within State lines?

SENATOR DONDERO LOOP:

There was discussion about purchasing products out of the Country that were delivered to Los Angeles and then driven from Los Angeles to Nevada and so forth. That is why, as a State Legislator and a homemade Nevadan, I hope that materials would be purchased in Nevada. Sometimes resources are needed that could be less expensive or are from out of state, but for the most part everything we need for a construction project can be found in Nevada.

Senate Committee on Government Affairs  
April 12, 2019  
Page 20

SENATOR GOICOECHEA:

I am sorry, but even with this amendment a driver would go on the clock as prevailing wage someplace around Trinity if he or she is delivering to Winnemucca. That is unacceptable.

SENATOR SCHEIBLE MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 340.

SENATOR OHRENSCHALL SECONDED THE MOTION.

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

\* \* \* \* \*

CHAIR PARKS:

Senate Bill 367 is the next bill in the work session.

**SENATE BILL 367**: Authorizes a tenant of certain low-income housing to keep a pet within the tenant's residence. (BDR 25-750)

MS. RUEDY:

I will present an overview of S.B. 367 from the work session document ([Exhibit Q](#)).

SENATOR OHRENSCHALL MOVED TO DO PASS S.B. 367.

SENATOR KIECKHEFER SECONDED THE MOTION.

SENATOR GOICOECHEA:

If a landlord or property owner has had a policy of no pets for years, would this prohibit enforcing that?

SENATOR SCHEIBLE:

That is my understanding. However, I would like a legal opinion.

HEIDI CHLARSON (Committee Counsel):

The provisions of the bill apply to any rental agreements entered into before, on, or after January 1, 2020, for housing that is acquired, constructed or

rehabilitated with money from the account for low-income housing. It would apply to existing leases as long as the housing was acquired, constructed or rehabilitated with money from the account.

SENATOR KIECKHEFER:

I have concerns about telling people how to manage their property. But a couple of points, one is that these are all properties in which public dollars were used as a part of the development of the units, therefore a sort of partnership is already in place; two, the reality is that pets are often critical parts of someone's family. We know that battered women often do not leave a terrible situation because they cannot find a place to go with their pets.

I am comfortable with the bill and I am happy to support it.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR PARKS:

The next bill in the work session is S.B. 388.

**SENATE BILL 388**: Revises provisions relating to public records. (BDR 19-827)

MS. RUEDY:

I will give an overview of S.B. 388 from the work session document ([Exhibit R](#)).

The City of Las Vegas has proposed an amendment ([Exhibit S](#)); and the Clark County School District has also proposed an amendment ([Exhibit T](#)).

SENATOR KIECKHEFER:

What kind of a record are we talking about?

SENATOR MOISES DENIS (Senatorial District No. 2):

I will use the word metadata which is most of the records we are talking about, for example, video coverage of the downtown area of cars driving through.

KELLY CROMPTON (City of Las Vegas):

The type of data we are looking at is in smart community areas. For instance, the City of Las Vegas is piloting technology with Audi cars that are talking to

traffic lights. It is looking at traffic information, how many times cars stop at that light, is there a pothole, or is there too much foot traffic in the Fremont Street area. That Audi car talks to that traffic light and remits personal information on that car such as the vehicle identification number. If someone digs to deep into that metadata, at some point, and with other pieces of metadata, the individual could be identified. That is what we are trying to omit.

SENATOR KIECKHEFER:

My concern is how do you evaluate whether something is going to hurt someone's reputation?

MS. CROMPTON:

Some of that information could potentially come through as smart community technology continues to move forward.

SENATOR KIECKHEFER:

Maybe that was a rhetorical question and there is not a good answer. That is my concern with the bill.

SENATOR SCHEIBLE:

Could we use definitions similar to those in statute for liable and slander? Those words have specific meanings about something having to be true or untrue and damaging to a person's reputation as the legal standard. I am not familiar with those laws. It seems that there is some precedent for evaluating what kind of information is publicly or legally acknowledged to be damaging or unflattering to a person.

SENATOR KIECKHEFER:

Section 1, subsection 1 states "could potentially create negative consequences, including, without limitation, financial loss, stigmatization, harm to reputation, anxiety, embarrassment ... ." For example, video coverage of a certain intersection with a night club captures people going in and out of the night club. Is that potentially bad for someone? That could create potential embarrassment for someone. I see this as rather broad, and it makes me nervous.

BRITTANY WALKER (Holland & Hart, LLP):

The bill was drafted off a similar federal bill that was introduced by U.S. Senator Catherine Cortez Masto. The intent is to give government the discretion to keep those records confidential if they pose a risk to a citizen's privacy because of

what we have seen in the past with Facebook and data being collected. The intent is to avoid data being used in a manner that might adversely affect citizen privacy.

SENATOR KIECKHEFER:

I did not mean to reopen your hearing on this bill. I missed the hearing, but the definitions are broad and I am not going to get comfortable with it in this hearing. I am going to vote to oppose the bill, but as I learn more I will reserve my right to change my vote on the Floor when I am convinced otherwise.

Ms. CROMPTON:

We are happy to work with Senator Kieckhefer to walk through the language and make him comfortable.

SENATOR OHRENSCHALL MOVED TO AMEND AND DO PASS AS AMENDED S.B. 388.

SENATOR SCHEIBLE SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR KIECKHEFER VOTED NO.)

\* \* \* \* \*

CHAIR PARKS:

That takes us to the next bill in the work session, S.B. 461.

**SENATE BILL 461**: Revises provisions governing the Tahoe-Douglas Visitor's Authority. (BDR S-733)

Ms. RUEDY:

I will summarize S.B. 461 and its proposed amendment as contained in the work session document ([Exhibit U](#)).

CHAIR PARKS:

We all know that Native American gaming in California has had a severe impact on Lake Tahoe gaming properties. This is a great opportunity to take steps to revive the Lake Tahoe economy.

Senate Committee on Government Affairs  
April 12, 2019  
Page 24

SENATOR GOICOECHEA MOVED TO AMEND AND DO PASS AS  
AMENDED S.B. 461.

SENATOR SCHEIBLE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR PARKS:

The final bill in the work session is S.B. 494.

**SENATE BILL 494**: Revises provisions relating to emerging small businesses.  
(BDR 27-585)

Ms. RUEDY:

I will summarize S.B. 494 from the work session document ([Exhibit V](#)).

SENATOR GOICOECHEA:

What is the process for obtaining an Emerging Small Business certification?

SENATOR HARRIS:

That is a process developed by the Governor's Office on Economic Development. There are four steps to the process. An application must be submitted to show the business meets the criteria. That process is well established at this point. It is about two to three years old.

SENATOR KIECKHEFER MOVED TO DO PASS S.B. 494.

SENATOR OHRENSCHALL SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR PARKS:

That concludes the work session for today.

Senator Kieckhefer, I understand that you wish to comment on S.B. 166.



Senate Committee on Government Affairs  
April 12, 2019  
Page 25

SENATOR KIECKHEFER:

I may have erred on the wrong side of caution on S.B. 166. I would still like the opportunity to reserve my right to change my vote on the Floor; however, I would like to be registered as a yes vote on S.B. 166. The amendment moved that bill a long way in the direction I wanted to see it go. I would rather recognize that work in the affirmative than the negative and look at it again when it comes to the Floor.

Remainder of page intentionally left blank; signature page to follow.

Senate Committee on Government Affairs  
April 12, 2019  
Page 26

CHAIR PARKS:

We do not have to reopen the hearing on S.B. 166. We will record your vote as being in favor of the bill with the right to change your vote on the Floor.

Having nothing further to come before the Senate Committee on Government Affairs, we are adjourned at 2:24 p.m.

RESPECTFULLY SUBMITTED:

---

Suzanne Efford,  
Committee Secretary

APPROVED BY:

---

Senator David R. Parks, Chair

DATE: \_\_\_\_\_

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit / # of pages</b>		<b>Witness / Entity</b>	<b>Description</b>
	A	3		Agenda
	B	6		Attendance Roster
S.B. 243	C	1	Warren Hardy / Associated Builders and Contractors of Nevada	Proposed Amendment
S.B. 28	D	1	Jennifer Ruedy	Work Session Document
S.B. 166	E	3	Jennifer Ruedy	Work Session Document
S.B. 166	F	10	Senator Pat Spearman	Proposed Amendment
S.B. 180	G	3	Jennifer Ruedy	Work Session Document
S.B. 206	H	2	Jennifer Ruedy	Work Session Document
S.B. 242	I	1	Jennifer Ruedy	Work Session Document
S.B. 242	J	1	Senator Nicole Cannizzaro	Proposed Amendment
S.B. 272	K	2	Jennifer Ruedy	Work Session Document
S.B. 287	L	15	Jennifer Ruedy	Work Session Document
S.B. 287	M	4	Senator David Parks	Proposed Conceptual Amendment
S.B. 327	N	9	Jennifer Ruedy	Work Session Document
S.B. 338	O	14	Jennifer Ruedy	Work Session Document
S.B. 340	P	2	Jennifer Ruedy	Work Session Document
S.B. 367	Q	1	Jennifer Ruedy	Work Session Document
S.B. 388	R	1	Jennifer Ruedy	Work Session Document
S.B. 388	S	2	City of Las Vegas	Proposed Amendment
S.B. 388	T	1	Clark County School District	Proposed Amendment
S.B. 461	U	11	Jennifer Ruedy	Work Session Document
S.B. 494	V	1	Jennifer Ruedy	Work Session Document