

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

**Eightieth Session
May 17, 2019**

The Senate Committee on Government Affairs was called to order by Chair David R. Parks at 2:20 p.m. on Friday, May 17, 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:

Assemblywoman Teresa Benitez-Thompson, Assembly District No. 27

STAFF MEMBERS PRESENT:

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

CHAIR PARKS:

We will open the work session with Assembly Bill (A.B.) 21.

ASSEMBLY BILL 21: Authorizes a board of county commissioners in certain counties to appoint members of certain local governing boards under certain circumstances. (BDR 20-484)

JENNIFER RUEDY (Committee Policy Analyst):

I will present an overview of A.B. 21 from the work session document ([Exhibit C](#)).

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SENATOR SCHEIBLE:

I brought up a question at the hearing on this bill which has been addressed. I was concerned that this would inhibit women and others who are generally disenfranchised from serving on these boards. I have been assured that the issue is that quorum cannot be achieved because there are not enough people willing to serve.

SENATOR GOICOECHEA MOVED TO DO PASS A.B. 21.

SENATOR SCHEIBLE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR PARKS:

The next bill in the work session is A.B. 37.

ASSEMBLY BILL 37: Revises provisions governing punishment of certain members of the Nevada National Guard for minor misconduct. (BDR 36-340)

Ms. RUEDY:

I will summarize A.B. 37 as contained in the work session document ([Exhibit D](#)).

SENATOR SCHEIBLE MOVED TO DO PASS A.B. 37.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR PARKS:

The next bill is A.B. 86.

ASSEMBLY BILL 86 (2nd Reprint): Revises provisions relating to governmental purchasing. (BDR 27-182)

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MS. RUEDY:

I will give an overview of A.B. 86 from the work session document ([Exhibit E](#)).

CHAIR PARKS:

I have received many emails opposing A.B. 86 based on misinformation. Has anyone else had this experience?

SENATOR OHRENSCHALL MOVED TO DO PASS A.B. 86.

SENATOR SCHEIBLE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR PARKS:

The next bill in the work session is A.B. 240.

ASSEMBLY BILL 240 (1st Reprint): Requires representatives from certain counties and cities to meet jointly and prepare reports addressing the orderly management of growth in their region. (BDR S-1043)

MS. RUEDY:

I will summarize A.B. 240 from the work session document ([Exhibit F](#)).

SENATOR GOICOECHEA MOVED TO DO PASS A.B. 240.

SENATOR KIECKHEFER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR PARKS:

The next bill is A.B. 397.

ASSEMBLY BILL 397 (1st Reprint): Revises provisions governing misconduct by certain public officials. (BDR 18-1038)

MS. RUEDY:

I will summarize A.B. 397 and its proposed amendment as contained in the work session document ([Exhibit G](#)).

Proposed Amendment 5841 in the work session document is the same one presented at the hearing on A.B. 397. The proposed amendment would: limit the bill's applicability to local elected officers; require the Nevada Equal Rights Commission (NERC) to accept a complaint that alleges a local elected officer has engaged in an unlawful employment practice regarding discrimination and to take appropriate action; require NERC to present a complaint to the district court if it determines, in a public hearing, that a local elected officer has committed an unlawful employment practice regarding discrimination in employment and that the discriminatory practice is significantly severe or pervasive such that removal from office is appropriate; specify that any fine or penalty—not damages as written in the first reprint of the bill—assessed against a local elected officer for certain unlawful employment practices must be paid in his or her personal capacity; and define malfeasance in office to include, without limitation, engaging in an unlawful employment practice of discrimination or willfully failing to comply with any other sanction imposed upon a local elected officer by NERC.

SENATOR GOICOECHEA:

There is no provision in the proposed amendment to recall or remove a local elected official from office.

HEIDI CHLARSON (Committee Counsel):

Proposed Amendment 5841 would allow NERC to present a complaint to a district court to have the local elected officer removed from office. The proposed amendment removes the impeachment option that was in the first reprint of the bill. There is still a mechanism for the elected officer to be removed, but the mechanism is NERC goes to court.

SENATOR GOICOECHEA:

Fines or penalties must be borne by the elected official. I am concerned about NERC being able to remove someone. In this case, it is the district court, but I prefer it would be by a vote of the people.

MS. CHLARSON:

The NERC would make a recommendation, but certainly a court would have the discretion to not remove the officer. The NERC would not remove the elected officer; the decision would ultimately be made by the court.

ASSEMBLYWOMAN TERESA BENITEZ-THOMPSON (Assembly District No. 27):

The changes in the proposed amendment, which I failed to follow up on, are consistent with the verbal statements I made on the record during the hearing on A.B. 397. The changes are not reflected in the proposed amendment you have before you.

The first change to Proposed Amendment 5841 is on line 11, page 3, of [Exhibit G](#). We want to keep the reference to the Civil Rights Act of 1964. We are going to reference the State's employment law, NRS 613.330, and the Civil Rights Act of 1964. Most of the changes are redundant, but State employment law goes further than federal law. However, we are referencing both the Civil Rights Act of 1964 and State employment law.

The other change will be to line 14, page 3 of [Exhibit G](#) where it says "significantly severe." We are changing that to "severe." That is the standard for NERC. We do not want to create a new standard. We want to mirror the existing process.

SENATOR OHRENSCHALL MOVED TO AMEND AND DO PASS AS AMENDED A.B. 397.

SENATOR KIECKHEFER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR PARKS:

The final bill on the work session is A.B. 413.

ASSEMBLY BILL 413 (1st Reprint): Revises provisions relating to local governments. (BDR 19-893)

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Ms. RUEDY:

I will present A.B. 413 from the work session document ([Exhibit H](#)).

SENATOR SCHEIBLE MOVED TO DO PASS A.B. 413.

SENATOR OHRENSCHALL SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR PARKS:

That completes the work session. Having no further business to come before the Senate Committee on Government Affairs, we are adjourned at 2:38 p.m.

RESPECTFULLY SUBMITTED:

Suzanne Efford,
Committee Secretary

APPROVED BY:

Senator David R. Parks, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	2		Attendance Roster
A.B. 21	C	1	Jennifer Ruedy	Work Session Document
A.B. 37	D	1	Jennifer Ruedy	Work Session Document
A.B. 86	E	1	Jennifer Ruedy	Work Session Document
A.B. 240	F	1	Jennifer Ruedy	Work Session Document
A.B. 397	G	5	Jennifer Ruedy	Work Session Document
A.B. 413	H	1	Jennifer Ruedy	Work Session Document