

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

**Seventy-Seventh Session
April 3, 2013**

The Senate Committee on Government Affairs was called to order by Chair David R. Parks at 1:39 p.m. on Wednesday, April 3, 2013, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced 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 Pat Spearman, Vice Chair
Senator Mark A. Manendo
Senator Pete Goicoechea
Senator Scott Hammond

GUEST LEGISLATORS PRESENT:

Senator Joseph P. Hardy, Senatorial District No. 12
Senator Justin C. Jones, Senatorial District No. 9
Senator Ben Kieckhefer, Senatorial District No. 16
Senator Michael Roberson, Senatorial District No. 20
Senator James A. Settelmeyer, Senatorial District No. 17
Senator Debbie Smith, Senatorial District No. 13
Assemblyman John C. Ellison, Assembly District No. 33

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Heidi Chlarson, Counsel
Martha Barnes, Committee Secretary

OTHERS PRESENT:

Garrett Gordon, Sunny Hills Ranchos
Vincent Griffith, P.E., President, Reno Engineering Corporation

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Greg Hess, Storey County
Bill Sjovangen, Chair, Board of County Commissioners, Storey County
John J. Slaughter, Washoe County Commission
Juanita Cox, Citizens in Action
Jessica Satre, Las Vegas Metro Chamber of Commerce
Tray Abney, The Chamber, Reno, Sparks, Northern Nevada
Lindsay D. Knox
Geoffrey Lawrence, Deputy Policy Director, Nevada Policy Research Institute
Anthony Fiannaca, Sparks Florist, Inc.
Jack Mallory, Southern Nevada Building and Construction Trades Council
Alan H. Glover, Clerk/Recorder, Carson City
Larry Burtness, Recorder, Washoe County
Debbie Conway, Recorder, Clark County
Diana Alba, Clerk, Clark County
Margaret Flint, Chapel of the Bells; Arch of Reno Chapel; Silver Bells Wedding Chapel
Karen Ellison, Recorder, Douglas County; President, Recorder's Association of Nevada
Jennifer Chapman, Recorder, Storey County
Mary Milligan, Recorder, Lyon County
Ron Dreher, Peace Officers Research Association of Nevada; Washoe County Public Attorney's Association; Washoe School Principals' Association
Rusty McAllister, Professional Firefighters of Nevada
Priscilla Maloney, American Federation of State, County and Municipal Employees
Brian O'Callaghan, Las Vegas Metropolitan Police Department

Chair Parks:

There are five bills on the agenda today plus a work session. I will open the hearing on Senate Bill (S.B.) 272.

SENATE BILL 272: Provides for the revision of the boundary line between Storey County and Washoe County. (BDR 20-840)

Senator Ben Kieckhefer (Senatorial District No. 16):

I am proposing an amendment ([Exhibit C](#)) to S.B. 272 prepared by the Legal Division of the Legislative Counsel Bureau. I will refer to proposed Amendment 7897 while testifying on the bill. This piece of legislation was brought to me by a constituent who owns property straddling the Washoe and

Storey County boundary line in southeast Washoe County. The owner would like to develop the property in a mixed-use fashion that includes both residential and commercial uses. From a services prospective, it ties into the South Truckee Meadows area in the terms of municipal services. Washoe County would be the appropriate jurisdiction if commercial and residential developments occur on the property.

Following a discussion with representatives from Storey and Washoe Counties, there is some interest in seeing another piece of property move between the two counties that is also reflected in this bill. Senate Bill 272 allows the Board of Commissioners of Storey and Washoe Counties to make the decision regarding a change to their boundary lines. The counties need to reach an agreement and must do so within a couple of years. If the decision is not reached, the change cannot happen. The bill is enveloped in a cloud of neutrality so you should not hear a lot of opposition.

Garrett Gordon (Sunny Hills Ranchos):

Sunny Hills Ranchos, as owner of the piece of property located in Storey County, is requesting the property be moved into Washoe County. I have provided a map ([Exhibit D](#)) called the SB 272 color map. My client owns the property in the bottom left-hand corner of approximately 1,100 acres that we would like to see move into Washoe County. I have provided a second map ([Exhibit E](#)), an existing services map, and you can see the proximity of water infrastructure and sewer within a mile or 2 miles on the Washoe County side of the property; thus it would be more economically feasible to bring this property into Washoe County.

The intent of the bill is to give enabling authority to the counties to make this decision. Currently, *Nevada Revised Statutes* (NRS) Chapter 243 identifies all county boundaries. The Legislature only has a right to amend those boundaries. The bill gives enabling authority to both pieces of property. They do not come in together; it can be one or the other. If S.B. 272 passes and one of the properties goes before the Washoe County Board of Commissioners and the other property goes before the Storey County Board of Commissioners and this is approved, then the boundary line adjustments become effective. The properties may come as a package or they may come separately, but it was important to both the Washoe County and Storey County Board of Commissioners that it be an either-or approval and not both.

Referencing the proposed amendment, [Exhibit C](#), section 1 amends the legal description of the Washoe County boundary to add the Sunny Hills property. Section 1.5 amends the legal description of Storey County to include the property in the upper left-hand corner of [Exhibit D](#), which is currently owned by the Tahoe-Reno Industrial Center, LLC. Section 2 confirms that the boundary change will not impact the outstanding obligations of either county unless specifically discharged by that county. Section 3 states the bill is effective upon passage. It was important to both counties that this issue did not continue for years, so a deadline date was set to get this exchange accomplished.

The deadline is June 30, 2015. We have approximately 2 years to obtain approvals from both Washoe and Storey Counties to move the boundary line. Section 3 also includes language that says when section 1 becomes effective, the Washoe County piece would legally be moved upon approval by Storey County and Washoe County. It also says that section 2 would be effective upon approval by Washoe County and Storey County. It was very important to both county boards that the properties be considered separately, voted upon independently and not have to do one without the other.

Chair Parks:

It probably seems strange to change county boundaries, but it has been done in the past when the Clark County and Nye County border was moved for the purposes of a development. The concept is not entirely foreign. There was also a portion of Washoe County moved into Lyon County during a previous Legislative Session. This is a fairly common occurrence given development. Does Washoe County have a condition that it will not provide municipal services beyond its county borders?

Mr. Gordon:

Since that arose as one of the many questions on land use issues, such as water, transportation and access, we thought it was a good idea to move the local government discussion from the Legislature to the county level in order to negotiate those issues.

Vincent Griffith, P.E. (President, Reno Engineering Corporation):

For the past 13 years, we have been the project engineers and project managers for the Tahoe-Reno Industrial Center. I am also the president of the water and sewer company serving the industrial park. The Tahoe-Reno Industrial Center is roughly a 167-square-mile project highlighted in the bottom left-hand corner of

[Exhibit D](#). For reference, the City of Reno city limits are roughly 106 square miles and the City of Las Vegas is 136 square miles.

The project has been underway for 13 years. Companies such as Toys “R” Us, PetSmart, Alcoa, James Hardie and others have located in the Park. We have constructed numerous and expensive state-of-the-art utility infrastructure to serve these Park customers that we have brought from outside the State. Over \$50 million has been invested in the project. The sewer plant cleans 1.2 million gallons per day, and we have four water tanks with storage for over 5 million gallons of water. A tremendous amount of work has been done adjacent to and abutting the property in Washoe County.

We constructed a county complex for police and fire personnel on a portion of the project, so we have police and fire personnel on-site. We have been working with Washoe County staff over the last decade to anticipate the hurdles in bringing this parcel into the development. We found that we are unable to share utilities over county lines, so it makes more sense to adjust the county line.

We have a \$4 million sewer plant that does not distribute water or effluent back to the Truckee River. If we were to stay in Washoe County, we would not be allowed to use the existing sewer plant and would be required to utilize a septic system and a leach field. To put it into perspective, a standard warehouse with 300 employees would be almost 13,000 gallons a day of effluent leaching into the groundwater. For expense and for efficiencies, the proposal of [S.B. 272](#) just makes sense. It is very difficult to provide police and fire services from Washoe County at this location. From an efficiency standpoint, it makes sense to include this property in the adjacent county in order to take advantage of the utilities and infrastructure.

Greg Hess (Storey County):

The Storey County Board of County Commissioners had a meeting yesterday, and the vote was to remain neutral on this proposal. The Commissioners like the idea of being able to transfer one or the other properties in or out of Storey County and/or Washoe County. As long as that language remains in the bill, we are looking forward to moving along with this to allow the counties to make the decisions regarding these two properties.

Bill Sjovangen (Chair, Board of County Commissioners, Storey County):

We did have a unanimous vote yesterday by the Board of County Commissioners to be neutral on this bill, so we can continue the dialogue with Washoe County and the developers. Mr. Griffith has indicated the difficulty of utilities crossing county lines, and in the case of the property that would be given up by Storey County, we could never provide utilities to that section. The only feasible way to provide services would be to transfer the property to Washoe County. On the Washoe County side, Tahoe-Reno Industrial Park would like to develop the property and, services are an issue.

John J. Slaughter (Washoe County Commission):

The Washoe County Commissioners reviewed this issue at their meeting last week, and they took no position. There was a great deal of discussion, and they are happy to see the local review and approval by both Storey County and Washoe County Commissions; the amendment allowing one, both or neither of the properties be transferred; and finally, a deadline for action. A number of regulators related to sewers make it difficult to provide services across county boundaries. Discussion of moving either or both properties and bringing the decision to the local Commissions is something the Board of Commissioners was happy to see in the bill.

Senator Goicoechea:

I commend the counties for working on this bill together because it is clearly at the level of local government where it needs to be.

Juanita Cox (Citizens in Action):

My concerns have been somewhat appeased, but I was concerned that the citizens of both Washoe County and Storey County were unaware of this issue and certain people were not represented. I saw proposed Amendment 7897, [Exhibit C](#), to this bill, and my concerns have not been discussed. The taxes in existence to that amendment are July 1 this year, as well as all taxes pledged and revenue in existence prior to that date. If this amendment is not passed or being considered, then I have no comment.

Chair Parks:

Because both Washoe County and Storey County had the issue as an agenda item for discussion at their meetings would satisfy the requirement of providing public notice. As long as the property is in private hands, there are obviously property taxes and because of the possible property exchange, they might

cancel each other out. The issue on property taxes seems to be fairly minimal. Was there any discussion at either board meeting regarding property taxes?

Mr. Gordon:

During the Washoe County Commission hearing, there was a discussion, and preliminary calculations showed the assessed value on the Sunny Hills property is around \$600,000; the property that could potentially be included in Storey County has an assessed value of \$2 million. There were concerns expressed that it may not be an even swap; however, you would be giving enabling authority to the counties, and they could work it out. Both properties are vacant now. With the development, there is potential for it to be a wash. That conversation will continue at the local level.

Senator Goicoechea:

Regarding this issue being on the agenda of the Boards of Commissioners, there will need to be additional discussions and future meetings where the issue will be posted on the agenda prior to any transfer.

Mr. Gordon:

Yes.

Chair Parks:

I will close the hearing on S.B. 272 and open the hearing on S.B. 370.

SENATE BILL 370: Makes various changes regarding administrative regulations.
(BDR 18-194)

Senator Ben Kieckhefer (Senatorial District No. 16):

This is a bill designed to give the public significantly greater access and ease of access to information regarding the regulatory actions of State government. I learned during the interim it is not simple to find out what is happening with regulatory agencies. I introduced S.B. No. 315 of the 76th Session that dealt with alternate routes of licensure for professional educators. Close to the end of the interim, I attempted to find out what happened with the bill and realized the administrative regulations had not yet been adopted. It was about a year and a half after the bill was passed. It took me a while to determine where the regulations were in the process.

Having also worked in an Executive Branch agency with a great deal of regulatory authority, I understand the level of breadth out there for the regulatory bodies of this State. I cannot provide an exact count of the entities that can formulate regulations, but there are dozens. There is no real way to track these entities. The Legislative Counsel Bureau (LCB) maintains the Register of Administrative Regulations, but there is no requirement and no actual posting of notices of agendas or of public meetings related to the hearings on the proposed regulations.

Senate Bill 370 is designed to create the Central Repository for Administrative Regulations that happen as a result of State administrative actions. The bill is designed to provide an entry point for the residents of this State and businesses affected by regulatory activities to more easily track issues affecting them. This will also allow a better understanding of industries' regulatory environment as people look to expand, grow or locate a business in the State.

Section 1 outlines changes to NRS Chapter 233B, which is the Nevada Administrative Procedure Act; section 2 defines the Central Repository; and section 3 discusses the need for public meeting notices and agendas posted in a central location. This covers both agendas and public workshops related to the adoption of proposed emergency, temporary or permanent regulations required pursuant to NRS 241.020, which is the Open Meeting Law.

Later in the bill are certain requirements over permanent regulations that do not exist for emergency regulations or temporary regulations, and this is designed to bring everything back into one place. There is cleanup language within sections 4, 5 and 6. Section 7 relates to notices of public hearing on a workshop for regulations. It requires the notice of an agenda to be posted in the Central Repository.

Section 8 says emergency regulations may be adopted and become effective immediately upon being signed by the Governor and filed with the Office of the Secretary of State. When it comes to the public noticing of an emergency regulation, subsection 2, paragraph (a) provides that an emergency regulation that could have a significant effect on any industry is required to be provided upon request. An assumption is being made that people are aware of the meeting when posting an emergency regulation on the Website in the Central Repository. If a hearing follows that emergency regulation, it must also be submitted to the Central Repository.

In section 10, we are incorporating language for the Central Repository with the existing language and the LCB purview over regulatory drafting and review. It allows LCB to recoup costs of developing and administering the Central Repository in the same manner as it does now on behalf of State agencies, boards and commissions.

Section 11 of the bill adds that those temporary and emergency regulations be noticed and posted within the Central Repository. We are adding temporary and emergency regulations since LCB is now only required to post permanent regulation information. Any notice and agenda of any workshop or hearing is required to be posted at the Central Repository. I am trying to capture the lack of central noticing in this bill so that all of the regulatory activity will be held in one location.

Section 11, subsection 3 discusses LCB's ability to return incomplete regulations. The remaining portions of the bill are mostly cleanup and add the Central Repository language. Section 16 affects the Division of Environmental Protection and in section 17, the Division of Industrial Relations. The final page of the bill shows the sections being repealed.

Senator Spearman:

Is it implied that much of this will take place via technological advancement?

Senator Kieckhefer:

Yes. The idea is for the Central Repository to be a Website. Part of the language we repealed in section 11, subsection 2 talks about the actual Register of Administrative Regulations that LCB must create. The repealed section also talks about publishing and filing the regulations with the various entities listed. Consistent with other pieces of legislation coming forward this Session, we will be allowing LCB to take care of official records in a manner that better reflects our technological advancements over the past 100 years.

Senator Hammond:

Will LCB create the Central Repository? Basically, you are detailing what needs to be included in the language, and each agency will pay LCB for its information added to the Repository.

Senator Kieckhefer:

If you are trying to track any regulatory information from a State agency, you need to find the specific entity that has purview over the subject matter, sign up for the mailing list, continually track through hard copies or email, when meetings are held, etc. The idea is to utilize the knowledge of LCB to maintain order and create a Website for all of the regulatory activity occurring in the State so the consumer can understand it.

Senator Hammond:

Once the bill passes, will it require the State agencies, boards and commissions to use the site?

Senator Kieckhefer:

The information these entities already produce and submit to LCB must be transmitted to the site. The bill does not change the substance of the Administrative Procedure Act. Development of regulations and noticing requirements remain intact, so actions of the regulatory entity do not necessarily change, but public access to information should be enhanced.

Chair Parks:

Referencing section 11, subsection 3—is this putting a larger requirement on LCB than what it is currently required to do?

Senator Kieckhefer:

The bill does increase the responsibilities of LCB. It also provides an opportunity to invoice the regulatory entities for the funding necessary to accomplish the task. This is consistent with the regulatory process already in place.

Heidi Chlarson (Counsel):

The bill requires LCB to add several tasks to the Register of Administrative Regulations, and that turns into the Central Repository. The language referenced in section 11 actually requires LCB to return a regulation to an agency if the agency fails to provide LCB certain required information. However, no provision in law prevents LCB from going forward with regulations if some of the information received is incomplete. The intent of this section is to require LCB to go back to the agency to ensure that information the agency is required to provide by statute is complete. If LCB determines the information is not complete, it will not work on the regulation until the additional information is received from the agency.

Chair Parks:

I serve on the Legislative Commission's Subcommittee to Review Regulations, and we often find regulations are submitted but not consistent with the statutes. The recommendations made by the Subcommittee go to the Legislative Commission, where Commissioners have the choice to approve or refuse the regulation, returning it to the agency for rework and resubmittal. I was concerned about placing additional authority on the LCB staff.

Senator Goicoechea:

I see the fiscal note is zero, so it should not be an impact to LCB.

Jessica Satre (Las Vegas Metro Chamber of Commerce):

On behalf of the Las Vegas Metro Chamber of Commerce, I want to testify in support of S.B. 370.

Tray Abney (The Chamber, Reno, Sparks, Northern Nevada):

We are in strong support of S.B. 370. Following the flurry of activity with 120 days in this building, the agencies go about implementing all of the laws and processes passed here. It can be difficult enough just during Session to track the legislative Website for all of the agendas, bills and hearings. Imagine going out to all of the agencies, subagencies and sub-subagencies to keep track of all of the meetings and agendas they post. Not all of the agencies have user-friendly Websites. This is a great way to put everything in one spot on the legislative Website so you can look at any agency and see all of the agendas.

Lindsay D. Knox:

I represent a wide variety of agencies that interact with multiple agencies throughout the State in the regulatory process. The implementation of the Central Repository will create more transparency and efficiency within these agencies by offering one centralized, easily accessible contact point for agency agendas, regulation workshops and proposed language. We believe that without the transparency anticipated in this bill, interested parties have a difficult time accessing timely information regarding the regulatory process, which has the potential to lead to negative outcomes for our clients. By increasing the efficiency and transparency of the regulatory process, agencies will benefit from the increased input provided by an expert in a particular field, and our clients can be better participants in the development of regulations.

Geoffrey Lawrence (Deputy Policy Director, Nevada Policy Research Institute):

On behalf of the Nevada Policy Research Institute, I want to testify in support of the bill. The bulk of the legal code relating to fines is regulatory, not statutory. Therefore, if you have a rulemaking process not equally as transparent, it goes for naught. For the purpose of transparency, we are in strong support of S.B. 370. When regulatory agencies follow the rulemaking process, they occasionally go beyond legislative intent or sometimes they do not completely fulfill legislative intent. A central repository is important.

Chair Parks:

I will close the hearing on S.B. 370 and open the hearing on S.B. 404.

SENATE BILL 404: Revises provisions relating to business practices.
(BDR 28-827)

Senator Debbie Smith (Senatorial District No. 13):

Senate Bill 404 deals with two different issues within our purchasing statute, and the bill helps local businesses.

In section 1, the first thing the bill does is require subcontractors who work within the State to purchase a business license. I am presenting a conceptual amendment ([Exhibit F](#)) to require all who do business with the State to purchase a business license. I became aware of this last year when we were discussing a contract in an Interim Finance Committee meeting; through the questions, I realized that a business which subcontracts with a business that wins a request for proposal does not necessarily purchase a business license. I feel strongly that any business benefitting from State tax dollars should buy a State business license.

Second, the bill in sections 9 through 18 requires a business that advertises as a florist in Nevada to list its locale, including phone number or address. Section 9 defines florist and local telephone number. You will hear more from a local florist. I will explain the purpose of the bill as it relates to the retail flower business regarding companies known as deceptive order gatherers—middlemen who take floral Web orders from consumers and transfer them to a local florist for fulfillment but add zero value to the transaction for the local florist. These companies often charge fees that can add 50 percent or more to the order and use tactics to make consumers think they are either based locally or actual local florists.

If a scamming florist happens to have the name of the town or city in its name, it is even more problematic. This unfair and deceptive practice results in lost revenue, lost consumers and negative impressions for real, local florists. My local florist, Sparks Florist, will tell his story, and provide a letter ([Exhibit G](#)). There is also a letter from the owner of Bumblebee Blooms ([Exhibit H](#)) in Reno, and John Dibella from Dibella Flowers and Gifts in Las Vegas contacted me to lend support. He was unable to get to the Grant Sawyer Building to testify but may be sending a letter of support for S.B. 404.

This bill is extremely helpful to support our local businesses, which I know we care about. Requiring any business who does business with the State to have a business license is a small means to level the playing field between in and out-of-State vendors. Making sure of honest advertising by requiring out-of-State companies to disclose their locales will surely send more business to our local florists.

I have personally searched the Internet multiple times looking for a florist and have been frustrated not knowing whether the florist is in the location where I want the flowers delivered. The really frustrating part is having no tax revenue collected in the State where the flowers are delivered because orders were processed by a middleman.

Six other states have already adopted this deceptive trade practice legislation. I encourage you to do the same. It would be nice for Nevada to be a leader in the Country while supporting our local businesses.

Chair Parks:

I see where you are coming from regarding floral businesses. Another frustration is with locksmiths. If you search for a locksmith, you often receive a 1-800 number, and you are calling places like Atlanta, Georgia. Once a locksmith comes out, the deceptive practices tend to be well documented. If we had regulations, locksmiths should be at the top of the list because they catch you when you are in great need.

Senator Smith:

This just happens to be one practice that businesses have rallied around in their trade associations and have moved this legislation forward in other states.

Anthony Fiannaca (Sparks Florist, Inc.):

I am a third-generation florist in Nevada. My grandfather started our business almost 53 years ago. As Senator Smith explained, these middlemen take upwards of 50 percent or more of the order, and we are ignorant of that fact. We do not know how much they are taking because when we receive the order, we only get a price for the flowers—so we fill the order for that dollar amount. Unfortunately, say a customer pays \$100 for a bouquet of flowers. When we receive the order, it may be only \$50 and might include delivery fees. We fill the order to \$50 and then receive a complaint because the value given was not the value received. That is not something we want to promote. We have no control over this situation. We cannot tell what the actual value was at the beginning of the transaction.

These people are deceptive in the way they present themselves as florists. A good example would be a florist in the East who actually answers the phone as Sparks Florist. I have called to ask why my name is being used.

Unfortunately, no legislation exists to stop this from happening. We are looking for a way to legally determine who is a real florist. Once this legislation was enacted in California and Oregon, we saw that folks went to the Website and posted complaints to have the sites removed, which increased their economic ability to gain orders. We are promoting a positive outlook on the floral industry to increase local florist economies.

Senator Goicoechea:

Could you provide clarification on section 4, subsection 4, where it states the provisions of subsection 1 do not apply to a subcontractor specified in section 1.

Senator Smith:

This section does not apply to the floral issue.

Ms. Charlson:

Section 4 amends NRS 338.090 which provides that a person who violates certain provisions of the public works chapter is guilty of a misdemeanor. The new subsection 4 on page 3 provides that a subcontractor who does not obtain a business license is not guilty of a misdemeanor. It is a policy decision for the Committee to determine if you want to keep this language in the bill.

Senator Smith:

I do not intend for a misdemeanor charge to be conveyed, so it would make sense the way it is written.

Senator Goicoechea:

Then the misdemeanor charge would be included. You do not want the deceptive businesses to get hit with that charge?

Senator Smith:

I do not want them to be charged with a misdemeanor.

Ms. Satre:

We support this bill. We think it will be good for our member businesses in Las Vegas and throughout the State.

Mr. Abney:

We strongly support the floral provisions of this bill. You heard from Mr. Fiannaca. Sparks Florist is a longtime Chamber member that contacted me directly about this issue. This is an issue for all florists who have had the same problems. Anecdotally, right around Valentine's Day, my wife told me someone in her company ordered flowers for his spouse, and the delivery never came. The flowers were supposed to be coming from Sparks Florist, but Sparks Florist never had a record of the order because the husband had gone online to what he thought was the locally based florist, but it was someone from another state. This person spent money, but the order never came through. He immediately called the real Sparks Florist to get a replacement order right away. By stopping in a brick-and-mortar location, you talk to someone face to face.

Jack Mallory (Southern Nevada Building and Construction Trades Council):

The Building and Construction Trades Council is in full support of S.B. 404 as originally drafted and conceptually amended by Senator Smith. We appreciate her emphasis on ensuring that contractors and subcontractors performing public works and receiving tax dollars from the State are all working from the same and level playing field.

Chair Parks:

I will close the hearing on S.B. 404 and open the hearing on S.B. 364.

SENATE BILL 364: Revises provisions governing governmental administration.
(BDR 19-185)

Alan H. Glover (Clerk/Recorder, Carson City):

Senate Bill 364 has morphed into a cleanup bill over the last few months. It affects recorders and clerks in all parts of the State. Section 1, subsection 5 is really the heart of the bill. It allows all government agencies to redact personal information in recordings of information obtained before 2007. The present law requires us to redact information, and this bill makes it permissive.

After 2007, you could not file, record or provide to a State agency any information that contained a personal identification number such as a driver's license number or social security number (SSN) unless required by law. The recorders could complete a form saying the document contained a SSN or some personal information, and the form cited the federal or State law allowing the release of information. The recorder in each county could then record the information. If the information is brought to us with a SSN or driver's license number without a statutory provision to accept it, we reject the recording or have the person redact the information before we record the document. The recorders have been leaders in this area since this law was passed in 2007.

None of this information can be placed on the Website unless redacted. In the Carson City Clerk/Recorder's Office, we are trying to redact as much as we can because we want to make information available for public access on the Website, but the documents cannot be placed on the Internet until the personal information is gone. All the recorders have been working toward getting documents on the Internet. Senate Bill 364 will help us get there.

Section 2 affects the Clark County Clerk's Office. It allows the Clark County Clerk to have five branches to sell marriage licenses instead of four branches. Section 3, subsection 4 changes language, deleting the word "revocation" and replacing it with "removal" for the authority to solemnize marriages. The cleanup language also appears in section 4 of the bill. Section 7 was also proposed by Clark County where it has been unlawful for persons to solicit or otherwise influence someone to perform marriages at the courthouse. Clerks are moving out of the courthouse and into administrative areas.

We also have a proposed an amendment (Exhibit I), agreed upon by the sponsor. We thought this cleanup piece that deals with recorded marriage

licenses was to be included in the bill. For years, the word "copies" has been included in the law. We do not record copies, we only record original documents. We deleted the word "copies" and replace it with "original" certificates.

Larry Burtness (Recorder, Washoe County):

The county recorders have been diligent since the provisions of the statute were first established in the 2005 and 2007 Legislative Sessions. We are committed to protecting the personal information of our citizens and the public record. To identify the enormity of the task, the county recorders are dealing with records representing in excess of 125 million pages. This large number of documents needs to be redacted. We have been successful in redacting personal information from records from 2007, the second phase of the statute adjustment. Those records represent about 30 million images successfully reviewed and redacted. The daunting task we now face is over 95 million additional pages, such as books, microfilm and digital images. The images represented by the older records are only in our libraries. These images are not on the Internet unless they have been redacted. From the perspective of the Washoe County Recorder, we support this bill.

Debbie Conway (Recorder, Clark County):

Clark County is the largest recorder in the State. In terms of recording documents, our numbers are huge. Since the legislation was enacted, we initiated steps to install redaction software. We did an estimate of the document count of images for the period 1905 to 2012, and we found 84 million images. Oftentimes, a single recorded document could be 20 pages.

When we installed the recording redaction software, we estimated the redaction costs to be a little over \$2 million. We redacted approximately 12 million images from 2009 to 2012. We have about 71 million images still to process. If Clark County were to average 1 million redacted images a year, it would take us approximately 71 years to complete the remaining work.

We have limitations in the redaction process. Many of the older records are not digitized; for example, if you have a hard copy, you have to scan it to create an electronic image and then use the redaction software to eliminate the personal information. Microfilm has to be digitized in order to create the electronic image that then must be redacted. If the image remains a hard copy, it must be printed out for someone to manually redact the information with a pen or black marker.

We plan to continue redacting, but it may take a lot longer than our anticipated completion year of 2017. The redaction process limitation is because most of the older records on microfilm must first be digitized, then the images must be reviewed individually to redact any information missed by the redaction software. You are not reviewing the image just once but several times.

Clark County, as well as other counties, has seen a budget decrease. We have lost staff. Our IT staff estimated if we had five people in Clark County who went at the redaction process full-time, 8 hours a day, 5 days a week, we would not have fully redacted our documents by 2017. Passage of this bill allows governmental agencies to complete the process in a proper, efficient and methodical manner.

Senator Spearman:

I am overwhelmed with the figures. About 20 years ago, the military began digitizing records all the way back to the Korean War. Is the redaction software you are using the most recent, or would it be helpful if we made this a transition across all agencies?

Mr. Glover:

That is a good point. I believe all of the recorders purchased software for redaction. You have to digitize all of your documents first. That has been the major step, and it is very expensive. In just Carson City, we spent over \$100,000 digitizing documents. We did not find the software we purchased to be the most satisfactory. When it starts reading nine-digit numbers, such as SSNs, it also picks up a parcel number. When the software picks out a number, someone has to review and ensure that number needs redaction. This law also applies to all the State agencies. It affects everyone. I am not sure how many State agencies have even started to create electronic records. To digitize and redact is an overwhelming project. I have not had great success with the software we purchased, so we are manually utilizing the redaction software.

Senator Spearman:

You stated "our software," so is it standardized across the counties? I am thinking in terms of discounts you can sometimes get based on scale—or are we talking about each office getting what works for it? If we are doing that, why, and could we standardize the process?

Mr. Glover:

I believe each recorder has purchased software through its own vendor. We purchased ours from a gentleman who worked at the Division of State Library and Archives and developed the software himself. The software and licensing portion is inexpensive; the cost is in running each document through the scanner, and making sure the image is readable, or in making corrections. Microfiche was the most difficult to place into the system because each piece had to be scanned and then moved on over. Microfilm is nice because once you load the film, it zips through the machine to create the digitized image. There are wonderful new products for that process. The machine costs about \$12,000 but is well worth acquiring. Whatever salesman gets to the county or State agency first may get the sale. There is no standard, but I am not sure it needs to be standardized as long as the equipment does the job you need completed.

Senator Spearman:

I have introduced a bill to place the main forms from State agencies online for the public. The discussion revealed that some software does not interface with other software. If we are really talking about going digital, it is probably a good idea for us to think about interconnectivity and how each set of software will talk to the other software. Otherwise, 5 years from now everyone will have to purchase different software, and we will have wasted taxpayer dollars.

Mr. Glover:

I am concerned about this excellent point. After we invest millions of dollars in Clark County, in a few years we will be unable to read this stuff because it is in an unreadable format. I still have floppy discs in my office, and there is no way for us to read them. Technology changes and is expensive. We need to be thinking down the line. We do not want to fix the problem now and then recreate it in another 5, 10 or 20 years and have to do this all over again. Maybe it could be standardized through the State Library and Archives records management, which could help us work through these issues. There are also national standards. Mr. Burtness belongs to some of the national associations addressing this issue.

Chair Parks:

Are there certain court documents that cannot be redacted? Is that a problem? If so, how is it handled?

Mr. Burtness:

The recorders offices typically do not deal with court documents. We do receive some, and if they have SSNs or other personal information, we redact the documents.

Mr. Glover:

As the court clerk for Carson City, there is no way I can guarantee the courts would be able to redact personal information from their files. Multiply the numbers given from the recorder by 100. In our cases, SSNs or other numbers are in specific places, so it is a little easier to find. The court documents deal with criminal cases involving children or divorce cases containing SSNs and driver's license numbers spread throughout the file. It would be impossible. Some of those court cases are huge. We have a couple of court cases that literally take up two or three file cabinets. The recorders are filming and scanning every day, but we are 5 years behind. The courts are truly the major problem. I do not believe it could ever be done.

Senator Spearman:

We have been talking about capturing documents from the past. Are we doing anything concurrently so incoming information can immediately be digitized?

Mr. Burtness:

Current records are being actively redacted. Everything recorded today will likely be redacted within hours or certainly days at the most. Another point: the technology issue becomes complicated when you are dealing with old records. Many are handwritten, so when you use optical character recognition (OCR) software, it will not find anything because it is handwritten or of poor quality. What the OCR technology does today is pretty good with what we are currently recording.

Ms. Conway:

When we installed our software for the years 2009 through 2012, any document that came in over the counter was redacted immediately. Now we are going back to previous years to redact documents.

Chair Parks:

When I was discharged from the Air Force, I was given a DD Form 214. We were all encouraged to have it recorded in case it was lost because you could always retrieve it. Many years later, I engaged an individual who ended up

holding a copy of my DD 214, and I wished he did not have that form. He had gone to the recorder's office and obtained a copy. Nothing is entirely safe.

Diana Alba (Clerk, Clark County):

We support the recorders efforts to get this redaction issue resolved. The clerks do not have as large an issue in our commission records and marriage records, but those who are clerks of the court have a very large challenge. We appreciate Senator Kelvin D. Atkinson including us in this bill. When we heard he was working on a bill for the recorders that would open NRS Chapter 122, we asked to be included with some cleanup changes. Statutes require me to have a branch office in Henderson, and this language change makes it enabling. It is determined by population, so North Las Vegas will reach that population threshold, and I would be required to have a branch there. I do not have the funds for space or for staff.

The City of Henderson graciously provides us with space in its City Hall, but one day the City may want it back; I would then have to rent space, a significantly unfunded mandate. I have spoken to the mayor and his lobbying team, and they understand we are committed to keeping that branch office open.

We also support the amendment offered by the recorders to have the original marriage certificate recorded. That has been a quirk in the statute for many years and needed to be addressed. I have a proposed amendment for section 7 ([Exhibit J](#)) where the language changes. As you know, Clark and Washoe County wedding chapel owners often solicit couples near the courthouse and cannot come onto courthouse property. One of our clerks has moved out of the courthouse, and it could certainly happen with other clerks. We want to change the language from "county courthouse" property to just "county property."

A member of the District Attorney's Office contacted me and suggested we change the language to say county property where marriage licenses are issued. It was not our intent to include all county property, but his concern was that could be interpreted as someone could not solicit in a county park or on The Strip, and that was certainly not our intent. It had to do with not every clerk having a marriage license office housed in the courthouse.

I included that proposed amendment with my letter of explanation of our requested cleanup language ([Exhibit K](#)). By including this amendment with the

amendment proposed by the recorders, we hope to address any unintended consequences from the language change. I appreciate the questions from the Committee today and the understanding of the requirements and technology challenges that face the record keeping entities.

Margaret Flint (Chapel of the Bells; Arch of Reno Chapel; Silver Bells Wedding Chapel):

We are in total support of S.B. 364 and have discussed and come to an agreement with some of the issues during the interim. I support the proposed amendment regarding the solicitation of certain wedding chapels where the marriage licenses would be issued on county property.

Karen Ellison (Recorder, Douglas County; President, Recorder's Association of Nevada):

We met at the County Fiscal Officers Association of Nevada gathering in Pioche last summer, and all the recorders wanted to make sure I let you know they are in support of S.B. 364.

Jennifer Chapman (Recorder, Storey County):

Storey County is in support of S.B. 364.

Mary Milligan (Recorder, Lyon County):

We support S.B. 364. Everything should be redacted from 2007 forward.

Chair Parks:

I will close the hearing on S.B. 364 and open the hearing on S.B. 124.

SENATE BILL 124: Revises provisions relating to local government employment.
(BDR 23-544)

Senator Pete Goicoechea (Senatorial District No. 19):

This bill was brought forward by request and makes a couple of minor changes. I have had discussions about how this bill may limit the pool of arbitrators or hearing officers who would be available, especially in the urban areas, by requiring them to be licensed Nevada attorneys. If a person is not involved and engaged enough to be licensed in this State, can they really know enough about Nevada and the issues to which you deal? The other item in the bill that needs to be pointed out: if both parties mutually agree, they can waive that requirement.

Senate Bill 124 will predominantly affect the rural areas where it might take a better understanding of the issues. This bill is asking for these arbitrators and hearing officers to be licensed in the State. I have been approached by people in Clark County who believe the bill may limit the pool too severely, but in that case both parties can agree not to enforce this requirement.

Assemblyman John C. Ellison (Assembly District No. 33):

We had some problems in the past, and this is a cleanup bill. An option says an outside mediator can be used. We are trying to provide options to the people who have a vested interest in the State. I strongly support S.B. 124 because it brings people together and provides a backdoor that allows for the use of counsel from outside the State as long as both parties agree. There are few changes in the bill.

In section 3, subsection 3, added language states, "Unless mutually agreed otherwise by the parties, the arbitrator appointed must be an attorney in good standing admitted to practice law in the courts of this State." All we ask is to use those arbitrators who are attorneys in our State.

Chair Parks:

What is the availability of individuals who have either fact-finding or arbitration backgrounds in the rural areas of the State? Do you think there is a sufficient pool of such individuals?

Senator Goicoechea:

At this point, I am unsure if we have an adequate pool. This statute in place would increase the availability of those arbitrators and fact finders in the State. We have more and more arbitration going on all the time, and the business should be kept within the State. I agree it is probably a limited pool in the rural areas, but this bill would be an enhancement.

Mr. Lawrence:

I signed in as supporting this bill but generally speaking, Nevada Policy Research Institute does not support the binding arbitration process to begin with because the arbitrator is a third party who is not accountable to the voters. We believe that elected officials at the local level should be responsible for making these decisions, bearing accountability to the voters based on whichever way they go on collective bargaining contracts. However, I signed in favor of this particular bill because we require all attorneys to be registered with the Nevada

State Bar and practice every aspect of law, less the arbitration process. In the interest of making the standard apply to everyone, this seems fair.

Chair Parks:

The bill reads like it speaks to fact finders, hearing officers and arbitrators. It might be all encompassing as to how these people will be utilized in employment-related matters.

Mr. Abney:

The Chamber believes this is a good first level of scrutiny in this process. Frankly, an unelected person making decisions about how tax dollars are spent is concerning. We need at the very least for arbitrators and fact finders to have to live with the decisions they make. I know this bill does not require these folks to live in Nevada, but they will have to live with the decisions they make in regard to spending tax dollars in Nevada. We support the bill.

Ron Dreher (Peace Officers Research Association of Nevada; Washoe County Public Attorney's Association; Washoe School Principals' Association):

I am here today to ask the Committee to oppose S.B. 124. When dealing with the collective bargaining process, it is a great concept to bring in only Nevada arbitrators, fact finders and hearing officers. Unfortunately, I know of only one person who is an experienced fact-finder and arbitrator from Nevada. His name is Paul Lamboley, and he has been here for many years. He is not on the Federal Mediation Conciliation Service (FMCS) list. There are two lists of experienced arbitrators, the American Arbitration Association (AAA) and the FMCS. One list is compiled and maintained by the government, and one list is compiled and maintained by private associations. Both lists contain names of experienced arbitrators who have met the conditions and level of what is needed in Nevada.

I have been dealing with arbitrators, fact finders and hearing officers for 29 years. Contrary to what you have heard, they do not come to Nevada without experience; the arbitrator has to be unbiased, impartial and objective. At the beginning of every arbitration, there is an educational period of several hours regardless of an arbitrator being from Nevada or out of state.

The bill references NRS 288.200, which is the fact-finding process, or the first process when an impasse is reached. The bill excludes NRS 288.205, NRS 288.215 and NRS 288.217. One of these sections deals with police and

fire, another deals with education, both of which have last-best-offer arbitration rights. If you incorporate this section into those particular provisions of law, it will revert to NRS 288.200 and you have reduced your list down to one or two people who you can utilize. I do not know of any other Nevada arbitrators.

There are two types of arbitration dealt with in this State. We spent a great deal of time educating the Legislature on the two types. One type called interest arbitration is in NRS 288.200. That is what you do when you reach an impasse in a contract arbitration when you are trying for a successive agreement to a collective bargaining process or when you are putting together a master agreement the first time. When you reach an impasse, you select an arbitrator or a fact finder depending on the issues. The person listens to both sides, which can take days and sometimes weeks. That portion covers NRS 288.200.

The second type is called a grievance, discipline and discharge type of arbitration. An arbitrator will say my client was terminated and there is no just cause because there is no progressive discipline. The issue is handled by this arbitrator. There is no fact finding involved with this type of arbitration, but it is binding in this State. Even for local government and State government, a hearing officer concept pertains to the last three sections listed in the bill. This type of arbitration is noted in section 2, NRS 391.3161; section 3, NRS 391.317; and section 4, NRS 391.3197.

The same type of provision exists when you bring in a neutral third party. Being a hearing officer in this State requires experience, and I do not mean just a couple of days. I want the Committee to be aware of some facts you can research yourself. I also want to discuss the reasons why you do not always want to use an attorney. We have some very good nonattorneys conducting arbitrations who fit all of the qualifications—but they are not in Nevada. I can provide you with the name of a person who acts as an arbitrator who is not an attorney. He has handled interest arbitrations. How many times do you use the same person? If the arbitrator rules against labor, do you think management will use him again? If he rules against management, do you think labor wants that person back? This is why the FMCS has 1,400 arbitrators to choose from when making a selection. The American Arbitration Association has a number of arbitrators you can choose. It is not an easy task to choose an arbitrator, but we get to where we have to break an interest arbitration.

We have had fact findings that have gone on for days. The costs are exorbitant, anywhere from \$80,000 to \$150,000. That is labor's cost, not management's. This gives you an idea of what we are up against in this State and how we reach an impasse and then a resolution. The unintended consequences to S.B. 124 is limiting access to reach an agreement. There is an arbitrator from the Bay Area who is hard to get but has come to Nevada many times. What he tries to do first is mediate, because he does not want to go through that last-best-offer process. Then he tries to fact find, and he listens to both sides. To go through the process, you must bring in all kinds of experts.

The arbitration process requires several days to present the case to the arbitrator. For the next 3 weeks, the arbitrator tells the parties you have this time to reach an agreement if you want. If you do not reach an agreement among yourselves, then I will make a decision. Each party then provides the arbitrator with one page of the last-best-offer, and they have to choose to agree on one or the other. If you did not have a process to force negotiations, that does it. If you are off by a little bit, you are going to lose. This is why we need experienced, qualified, objective arbitrators who will listen and know the rules in this State.

I have dealt with really good attorneys both on the labor and management side of the issue. If they want to limit the selection to one or two attorneys in this State, then process this bill. The unintended consequences are you will get what you get. It may be good for labor or it may be good for management. I have conducted arbitrations in the rural areas; the arbitrators who have come out on both sides spend a lot of detailed time with these individuals, helping them understand the process. I would ask the Committee not to pass S.B. 124. In order to hire an FMCS arbitrator, it will cost \$15 per side. The cost to obtain someone from the American Arbitration Association is probably over \$100. We can conduct a selection process on the computer that does not take a lot of time. We can do an expedited process to make this system work. It is probably one of the best in the United States.

I would add FMCS and the American Arbitration Association to each section.

Rusty McAllister (Professional Firefighters of Nevada):

We have a process in place in the State that works very well. The process is fair and equal to both sides. When we reach an impasse and we need to access a list of arbitrators, we obtain a list from the American Arbitration Association and

we are provided with seven names picked randomly from the computer. We strike names from the list alternately with the city until we have chosen one name out of a list of seven. This provides a process to get to one arbitrator who is unbiased, fair and will listen to the case.

The bill causes concern when it limits the arbitration to attorneys only. Many great mediators and arbitrators are not attorneys. These are licensed mediators with years and years of experience, and to limit this to an attorney in Nevada would be difficult. Occasionally, the AAA list will include some Nevada attorneys. The attorneys may or may not be struck during the list reduction process.

Chair Parks:

For the benefit of the Committee, the alternate strike process starts with seven names. Each side strikes one name until they are down to the final individual. There is a lot of information regarding the experience, background and how the arbitrator may have ruled in previous hearings. You will know the qualifications of the person chosen to be the fact finder or arbitrator.

Mr. Mallory:

We are also opposed to this bill. I do not know if FMCS and AAA can provide a list of arbitrators with the requirement that the arbitrators be licensed attorneys in Nevada. First and foremost when selecting an arbitrator is to choose someone with labor relations experience. Labor relations is a specialized subset of the legal field, and few people actually practice labor law. Many of those folks are biased to one side or the other in their professional careers. It might not affect their objectivity as arbitrators, but it might affect the other party's ability to trust them for selection to a panel. The person's career is not operating in a biased manner. You do not typically have attorneys who will represent both labor and management. Attorneys will typically represent labor or management in the relations world of collective bargaining.

Talking about arbitration on lemon law disputes with the Better Business Bureau, I had a personal experience with an attorney who did his job. He was unbiased, he made his ruling and we had to live with his decision. Collective bargaining is a specialized subset of labor laws. It is appropriate to leave it open to people who have experience in that field.

Priscilla Maloney (American Federation of State, County and Municipal Employees):

I am a licensed attorney in another state, and I do not have the same level of knowledge as the previous three speakers. From the attorney's point of view regarding this bill and my concerns, I did want to know who was doing labor law in northern Nevada when I came to Nevada. I noticed it is an extremely small pool of attorneys. I understand the rural areas in general have a problem attracting qualified local professionals to deal with the learned profession of medicine or law. This bill will shrink the available pool to draw from for arbitrators. Even though the mediators and arbitrators are coming from outside of the State, the people dealing with these issues are familiar with the issues. In section 2, the subsection 2 escape clause allows the parties to mutually agree they do not need a Nevada licensed attorney. The problem is, if the parties cannot agree upon an arbitration company, they must use FMCS. When I last looked at that list, they are not all attorneys.

Looking at section 2 of the bill highlights the worker's compensation portion and the hearings process. The bulk of the work by the Department of Administration is workers' compensation. The Department has other hearings, but there are two levels of hearings. The hearings officers are not lawyers, but the appeals officers are Nevada-licensed attorneys appointed by the Governor. You could get folks who are fine attorneys, but they are experts in the field of workers' compensation and not labor relations.

Senator Goicoechea:

I understand there might be some problems with the bill, but I take exception when a testifier said it changes statute. It changes nothing in the existing statute except allowing the parties to exempt this requirement by mutual agreement—otherwise we are requiring the list from FMCS. The arbitrators do not need to live here, but they do need to be licensed here, whether they are an arbitrator, a fact finder or a hearings officer. The people doing business in this State need to be licensed here. That is the intent of the bill.

Senator Spearman:

You wanted these people to be licensed in the State. Is there an issue with those who are already here but not licensed? I am trying to understand the nuances of the bill.

Senator Goicoechea:

The original intent was for these people to be residents of the State. Is it too much to ask if you want to arbitrate here that you need to be licensed in the State? When the testifiers talked about the costs upward of \$100,000, the arbitrators should be Nevada-licensed.

Senator Spearman:

Is it just labor issues you are addressing?

Senator Goicoechea:

No, it is any and all issues because of a considerable cost associated to the process. This was never intended to be a labor bill. We usually get into labor arbitrations when we address changes in NRS 288, but other arbitrations also occur across the State.

Chair Parks:

I will close the hearing on S.B. 124. We will open our work session with the first bill listed on the document and ask Mr. Guinan to provide us with a summary of S.B. 90.

SENATE BILL 90: Revises provisions relating to certain confidential information.
(BDR 19-468)

Patrick Guinan (Policy Analyst):

Senate Bill 90 was heard in this Committee on March 11, presented by the sponsor of the bill Senator James A. Settelmeyer. I will present the work session document ([Exhibit L](#)).

Chair Parks:

Would the sponsor like to provide additional information about the bill?

Senator James A. Settelmeyer (Senatorial District No. 17):

The bill came about from one of my constituents in Churchill County from a situation dealing with renewable energy and geothermal and needing the ability to keep proprietary information from being shared with other individuals. I appreciated the Committee pointing out the bill was far-reaching and left them open to problems, so certain sections of the bill have been deleted.

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Chair Parks:

Are you in agreement with the proposed amendment?

Senator Settlemeyer:

Yes.

Chair Parks:

What is the pleasure of the committee?

SENATOR GOICOECHEA MOVED TO AMEND AND DO PASS AS AMENDED S.B. 90.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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We will move to the next bill on our work session document, S.B. 142, and ask Mr. Guinan to present the information.

[SENATE BILL 142](#): Makes various changes to provisions governing local government contracting. (BDR 27-676)

Mr. Guinan:

As presented by the sponsor Senator Justin C. Jones on March 4, S.B. 142 addresses some provisions regarding local government contracting particularly in regard to school districts. I will present the information in the work session document ([Exhibit M](#)).

Chair Parks:

Senator Jones, would you like to provide further comments on the bill?

Senator Justin C. Jones (Senatorial District No. 9):

I have worked diligently with the Clark County School District, Washoe County School District and the Douglas County School District to come up with language that meets the intent of my original bill and does not impose too onerous a burden on the school districts. We are about 95 percent in agreement. I appreciated the comments received from the Washoe County

School District, and I agree with those proposals. I would ask the Committee to adopt the amendment and the recommendations of the Washoe County School District and rerefer the bill to the Senate Finance Committee where we can iron out any further kinks.

Senator Goicoechea:

Do you anticipate this bill will go to Senate Finance?

Senator Jones:

It will go to Senate Finance, not because of the provisions in the portion of the bill we have just amended, but other provisions of the bill which require the Department of Energy to make forms and other things available to the school districts.

Senator Goicoechea:

So your recommendation is for the Committee to amend and do pass an open-ended amendment, and you will make additional changes when the bill is heard in the Senate Finance Committee?

Senator Jones:

Yes.

Senator Goicoechea:

I prefer not to pass an open-ended amendment on a bill, even if it is being rereferred to another Committee. Can you touch on the sticking points for us?

Senator Jones:

Additional concerns raised by the Washoe County School District and the recommended language provided in the amendment meet our needs, but I did not have a chance to go back to the Clark County School District for approval.

Senator Goicoechea:

Are you saying the proposals behind the proposed amendment will clean up the bill enough to meet your needs?

Senator Jones:

Yes.

Chair Parks:

If we act on this today, we will amend and do pass and rerefer this bill to Senate Finance—if that is acceptable to the Committee.

SENATOR SPEARMAN MOVED TO AMEND AND DO PASS AS AMENDED AND REREFER S.B. 142 TO THE SENATE COMMITTEE ON FINANCE.

SENATOR MANENDO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

The next bill we have is S.B. 202.

[SENATE BILL 202](#): Creates the Nevada Advisory Committee on Intergovernmental Relations as a statutory committee. (BDR 19-905)

Mr. Guinan:

This bill was presented on March 20 by Senator Michael Roberson with help from the Nevada Association of Counties and the Nevada League of Cities and Municipalities. The bill is explained in the work session document ([Exhibit N](#)).

Chair Parks:

We have a fiscal note for this bill submitted by the Legislative Counsel Bureau in the amount of \$4,800 for personnel expense for the biennium, but it is de minimis. The LCB budget would cover any involvement it might have. Clark County was the other entity that submitted a fiscal note. The estimate for Clark County is \$3,000 for one meeting a year in southern Nevada for a span of 3 days. A similar committee to the Nevada Advisory Committee on Intergovernmental Relations worked during the previous interim and came up with some good recommendations.

SENATOR GOICOECHEA MOVED TO DO PASS S.B. 202.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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The last bill on our work session schedule today is S.B. 284.

SENATE BILL 284: Makes various changes concerning investigations of motor vehicle accidents. (BDR 23-107)

Mr. Guinan:

Senate Bill 284 regarding the investigation of motor vehicle accidents was sponsored by Senator Joseph P. Hardy and heard in Committee on March 25 ([Exhibit O](#)).

Senator Goicoechea:

Does this pertain to fatalities or is this all accidents?

Mr. Guinan:

Amended language requires that if a fatality is involved, three other conditions must be met. A nonfatal accident, is not applicable. The policies for the investigation apply across any accident, but if a fatal accident is involved, this amendment applies.

Senator Goicoechea:

So the three conditions do not apply if it is a fatal accident? There is no way to be exempted from a fatal accident?

Mr. Guinan:

If any one of these three conditions exist, even if it is a fatal accident, then the agency that employs the officer involved in the accident can conduct the investigation because these extenuating circumstances make it impossible for another agency to conduct the investigation.

Senator Spearman:

During the hearing, we were looking to ensure transparency.

Senator Goicoechea:

Yes.

Brian O'Callaghan (Las Vegas Metropolitan Police Department):

Some accidents are delayed fatal accidents. For example, if we respond to a nonfatal accident and take over the investigation but the person goes to the hospital and dies later, the Las Vegas Metropolitan Police Department would not have to transfer the investigation to another agency.

Senator Goicoechea:

I remember that portion of the testimony, but I was concerned we would endorse an agency saying it does not have the ability to investigate or the other person is too far away although it is only 20 minutes away. I am concerned about creating unintended consequences.

Chair Parks:

What is the pleasure of the Committee?

SENATOR SPEARMAN MOVED TO AMEND AND DO PASS AS AMENDED S.B. 284.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Parks:

There seems to be an interest if the bill is carried by a Senator for that Senator to make the Senate Floor statement. We will let the primary sponsor of the bills we just passed handle the floor statements. That concludes our meeting and work session on these bills. We stand adjourned at 4:17 p.m.

RESPECTFULLY SUBMITTED:

Martha Barnes,
Committee Secretary

APPROVED BY:

Senator David R. Parks, Chair

DATE: _____

<u>EXHIBITS</u>				
Bill	Exhibit		Witness / Agency	Description
	A	1		Agenda
	B	7		Attendance Roster
S.B. 272	C	8	Senator Ben Kieckhefer	Proposed Amendment 7897
S.B. 272	D	1	Garrett Gordon	SB 272 Map
S.B. 272	E	1	Garrett Gordon	Sunny Hills Map
S.B. 404	F	1	Senator Debbie Smith	Conceptual amendment
S.B. 404	G	2	Sparks Florist, Inc.	Letter of support addressed to Senator Debbie Smith
S.B. 404	H	2	Bumblebee Blooms Flower Boutique	Letter of support addressed to Senator Debbie Smith
S.B. 364	I	1	Alan H. Glover	Proposed Amendment
S.B. 364	J	1	Diana Alba	Proposed amendment
S.B. 364	K	2	Diana Alba	Letter of support
S.B. 90	L	7	Patrick Guinan	Work Session Document
S.B. 142	M	6	Patrick Guinan	Work Session Document
S.B. 202	N	1	Patrick Guinan	Work Session Document
S.B. 284	O	3	Patrick Guinan	Work Session Document