

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON ELECTIONS, PROCEDURES, ETHICS, AND  
CONSTITUTIONAL AMENDMENTS**

**Seventy-Fourth Session  
May 22, 2007**

The Committee on Elections, Procedures, Ethics, and Constitutional Amendments was called to order by Chair Ellen Koivisto at 3:52 p.m., on Tuesday, May 22, 2007, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/74th/committees/](http://www.leg.state.nv.us/74th/committees/). In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Ellen Koivisto, Chair  
Assemblyman Harry Mortenson, Vice Chair  
Assemblyman Ty Cobb  
Assemblyman Marcus Conklin  
Assemblyman Ed Goedhart  
Assemblyman Ruben Kihuen  
Assemblyman Harvey J. Munford  
Assemblyman James Ohrenschall  
Assemblyman Tick Segerblom  
Assemblyman James Settelmeyer

**COMMITTEE MEMBERS ABSENT:**

Assemblyman Chad Christensen (excused)  
Assemblywoman Heidi S. Gansert (excused)  
Assemblywoman Marilyn Kirkpatrick (excused)



**GUEST LEGISLATORS PRESENT:**

Assemblyman David Bobzien, Assembly District No. 24  
Assemblywoman Kathy McClain, Assembly District No. 15

**STAFF MEMBERS PRESENT:**

Patrick Guinan, Committee Policy Analyst  
Terry Horgan, Committee Secretary  
Trisha Moore, Committee Assistant

**OTHERS PRESENT:**

Wheeler Cowperthwaite, Legislative Intern, representing Assemblywoman  
Sheila Leslie  
Kyle Davis, Policy Director, Nevada Conservation League  
Joe Johnson, Legislative Chair, Toiyabe Chapter, Sierra Club  
Charles Benjamin, Director, Nevada Office, Western Resource Advocates  
Allen Biaggi, Director, State Department of Conservation and Natural  
Resources

**Chair Koivisto:**

[Roll taken] For those of you in the audience who have signed in to speak on Assembly Concurrent Resolution 16, that bill has been withdrawn so we will not be having a hearing on A.C.R. 16.

**Assembly Concurrent Resolution 16: Directs the Legislative Commission to conduct an interim study concerning the proper determination of property capitalization rates for certain taxpayers. (BDR R-374)**

[This measure was withdrawn.]

We must be down on the Floor today by 4:30 p.m., so testimony will have to be limited on the two bills we still will be hearing. We will allow 15 minutes of testimony for each bill, starting with Assembly Concurrent Resolution 24.

**Assembly Concurrent Resolution 24: Creates an interim study concerning environmental pollutants and global warming. (BDR R-1400)**

**Wheeler Cowperthwaite, Legislative Intern, representing Assemblywoman Sheila Leslie:**

[Mr. Cowperthwaite distributed a statement containing his talking points to Committee members and staff ([Exhibit C](#)).]

Assembly Concurrent Resolution 24 will look at what global warming and a couple of other pollutants will do to Nevada. Global warming has a couple of very specific effects on Nevada. It is going to decrease the snow pack which reduces our residents' ability to ski and directly affects tourism. Also, a reduced snow pack lowers the rate at which aquifers recharge so there will be less water in our aquifers. A reduced snow pack also leads to more intense flooding because more water is coming down from the hills and mountains during the spring as opposed to melting slowly during the summer. Our reservoirs are not intended to handle that amount of water, so as time progresses during the summer, our rivers will have much reduced flows. The snow pack retreats about 500 feet for every 1.8 degrees Fahrenheit that our temperature increases, which means the precipitation falls as rain instead of building up the snow pack.

Fire season increased by 78 days between 1987 and 2003, compared with the 1970 to 1986 period. The fires are more intense and there are more of them. We are experiencing more intense storms, especially thunderstorms, with the increased heat. The ten hottest years on record have all occurred since 1990.

Las Vegas gets 90 percent of its water from the Colorado River Basin; however, the increase in temperature is leading to severe drought. Because the level of Lake Mead has dropped, giant ramps are being installed so boats can be launched.

Assembly Concurrent Resolution 24 creates an interim committee of legislators, three from the Assembly and three from the Senate, to look at the problem.

**Assemblyman Cobb:**

It sounds as though you have a lot of facts about global warming and its effects on Nevada. Why do we need an interim committee to study this if you already have this information?

**Wheeler Cowperthwaite:**

The committee would recommend to the next session of the legislature what to do about the problem. Just because we have the facts does not mean everyone is going to believe those facts. It also would create solutions or suggest solutions to the problem. If we have the facts but there is no one saying, "Here is what we are going to do about this problem," there is no point in having the facts in the first place.

**Assemblyman Cobb:**

Do you need a committee to do that or could an individual legislator do that?

**Wheeler Cowperthwaite:**

An individual legislator possibly could, but I do not think anyone is going to do that. A six-member committee of legislators would be more adept at crafting something more appealing to everyone.

**Assemblyman Cobb:**

Who do you represent here?

**Wheeler Cowperthwaite:**

Assemblywoman Sheila Leslie.

**Assemblyman Cobb:**

Is Ms. Leslie a legislator? Could she do this?

**Wheeler Cowperthwaite:**

She could, but she is creating a committee to do that, instead.

**Assemblyman Cobb:**

How much does a committee like this cost?

**Wheeler Cowperthwaite:**

I do not know.

**Assemblyman Segerblom:**

Have you thought about the benefits of global warming? Maybe we could skate board and mountain bike down the mountains, instead.

**Wheeler Cowperthwaite:**

Northern Nevada is experiencing longer growing seasons and many farmers are getting four crops per year instead of three. The flip side is that the farmers are not getting as much water as they used to because all the water is coming

down during the spring. During the summer irrigating season, farmers are relying more on aquifers and well water to irrigate.

**Assemblyman Segerblom:**

Mechanically, how will the study committee work? It will be an appointed interim committee, but do you know how it would work? Will it have staff?

**Chair Koivisto:**

An interim committee is usually staffed by the Legislative Counsel Bureau (LCB). The committee would consist of three members from the Senate and three members from the Assembly. They can meet in either Las Vegas or in Carson City. I am not exactly sure what their budget would be. Each House gets three study committees during the interim.

**Assemblyman Segerblom:**

Do they take testimony like these hearings do?

**Chair Koivisto:**

Yes; and each hearing can last from four hours to an entire day. Are there additional questions from the Committee? [No response]

**Assemblyman David Bobzien, Assembly District No. 24:**

Wheeler Cowperthwaite summed up his introduction by saying the interim committee would look at the options Nevada has in dealing with global warming. I would like to discuss some possible solutions the State could look at. I believe the interim committee should study and evaluate which solutions make the most sense for Nevada.

One solution is to place caps on greenhouse gas emissions and a reduction schedule on their sources. We need to get a handle on just what is being emitted here in Nevada that is contributing to this problem, and formulate an action plan for trying to reduce those emissions. You may have heard of the Western Regional Climate Action Initiative that Washington, Oregon, Arizona, New Mexico, Utah, and California are involved in. It is time for Nevada to also consider joining with that Initiative to deal with greenhouse emissions.

We could also look at adopting tougher auto emission standards. We could explore the possibility of a moratorium on new coal-fired power plants. Coal-fired power plants account for over half the carbon dioxide emitted in the United States, and there are at least four power plants on the drawing board for Nevada. At this point, a lot of Nevadans are now questioning whether or not

we should proceed with those power plants until the technology is in place to capture the greenhouse gases they emit.

Ultimately, we need to do more to encourage the renewable energy industry. There are still some significant barriers to developing this technology sector in the State, and we could do more to address those. An example of state action on this front is New Mexico, which recently set up a transmission authority to provide more power lines and transmission infrastructure to the sites that can deliver renewable energy. You may be familiar with Assemblyman Marvel's bill dealing with geothermal. Nevada has so much geothermal potential; the problem is that much of it is miles away from the existing transmission infrastructures. That is another issue that should be looked at and that this study could evaluate.

There is a lot of state-based activity in these other western states, but Nevada is actually becoming a bit of a donut hole when it comes to addressing global warming and renewable energy. The Legislature really needs to address this inaction, given the incredible impact global warming is likely to have on our desert region. We also must address the possibility of taking advantage of this economic sector.

Assemblyman Segerblom asked about the benefits of global warming. I think Nevada has so much potential when it comes to the development of renewable energy, that we really owe it to ourselves to move forward on this. As I said, we need to carefully examine the options for addressing the problem of global warming and come up with solutions that make the most sense for Nevada. We must strike the appropriate balance between protection for ratepayers and providing for the development of the renewable energy sector. We need to fulfill our energy demands, but also protect what we love about Nevada. I urge your support for A.C.R. 24.

**Assemblyman Segerblom:**

Is it too late for us to join the Western Climate Initiative? Is that something only the Governor can do, or can we urge him to join?

**Assemblyman Bobzien:**

I do not believe it is too late. There is a calendar of roll-outs for the various goals. They have to catalogue what the emissions are and ultimately put in a cap-and-trade system. The article I just distributed to you ([Exhibit D](#)) concerned Utah signing on to this Initiative in recent weeks.

**Assemblyman Ohrenschall:**

Earlier this session, I sponsored a bill that called for Nevada to adopt California's tailpipe emissions standards, but I had a problem when I talked with people about my bill. Many people asked what good it would do if Nevadans dramatically reduced their carbon dioxide emissions because Nevada makes such a small contribution to global carbon dioxide emissions. I had a tough time answering that question. How do you respond to that?

**Assemblyman Bobzien:**

You make a very good point; however, I suggest we look at the possibility for economic development. Some would say Nevada has almost 50 percent of the nation's renewable energy development potential. If we were to take bold steps on this issue, maybe our overall reduction in the grand scheme of things would not be that large, but it would make a contribution. Ultimately, it comes back to the economic development opportunities this issue presents.

**Assemblyman Goedhart:**

We have done a lot with renewable energy in this legislative session. I would answer, even though we are small, we can still set an example others can follow. Looking at our carbon footprint, I know we have done a lot with renewables, but we should also look forward to doing something with carbon sequestering credits. Carbon credits are going to be worth looking at in the future.

**Kyle Davis, Policy Director, Nevada Conservation League:**

The Nevada Conservation League is in support of establishing an interim study of global warming. The issue of global warming has become very important to Nevadans. We conducted a poll earlier this year, and 64 percent of Nevadans think global warming is important enough that we need to do something about it right now. It is very appropriate for the Legislature to take a look at this issue, some of the facts behind its occurrence, and possible solutions that can be put into place, not only to reduce our greenhouse gas emissions here in Nevada but also, with our renewable energy potential, to spread those reductions throughout the west and the United States so that we can see a large-scale reduction in greenhouse gases by the promotion of our renewable energy resources.

**Joe Johnson, Legislative Chair, Toiyabe Chapter, Sierra Club:**

We would like to go on record as supporting this. Assemblyman Bobzien distributed a news article about the Utah governor signing on to the Initiative, and I would like to quote from an article mentioning the significance of that: "Utah's participation also illustrates the growing realization amongst bedrock

conservatives that global warming poses a serious threat to water supplies, forests, and the economy." The Sierra Club encourages your support for this resolution.

**Charles Benjamin, Director, Nevada Office, Western Resource Advocates:**

You have my written testimony ([Exhibit E](#)). This bill is a way for the Legislature to anticipate the potential negative impacts of global warming. The Earth is already 1 degree Fahrenheit higher in temperature than it has been. Projections are that, no matter what happens, even if we stopped all carbon emissions today, the temperature is still going to rise. This is an opportunity for the Legislature to get the best minds available in this State and elsewhere to try to determine the impacts on the people of this State. What will those impacts mean for the budget of this State, and how will the Legislature anticipate some of the impacts and prepare for them?

I am offering the services of my organization. We have a lot of expertise about global warming; as well as air, land, and water issues related to it. If we can be of assistance, please let us know.

**Chair Koivisto:**

Are there any questions from the Committee? [No response]

**Allen Biaggi, Director, State Department of Conservation and Natural Resources:**

I know time is at a premium this afternoon, so I will abbreviate my comments. [Mr. Biaggi read from prepared text ([Exhibit F](#)) and explained his opposition to A.C.R. 24.]

**Chair Koivisto:**

You said the Governor had two advisory committees?

**Allen Biaggi:**

That is correct. The first is the Climate Change Advisory Committee, which Kyle Davis and I, as well as a very impressive group of academicians, industry representatives, conservation interests, and regulatory agencies, sit on. The other committee is the Governor's Renewable Energy Transmission Access Advisory Committee.

**Assemblyman Segerblom:**

Could you tell us why the Governor has not joined this Western Regional Climate Action Initiative?



**Allen Biaggi:**

The Governor is asking the Climate Change Advisory Committee to evaluate whether joining would be in the best interests of the State of Nevada. A major topic the Committee will evaluate is the applicability of joining that Initiative. I anticipate we will be making a recommendation on joining or not joining, and why.

**Assemblyman Segerblom:**

Is there any deadline to join?

**Allen Biaggi:**

The Governor has asked for a final report within 10 to 12 months.

**Chair Koivisto:**

I am going to close the hearing on A.C.R. 24 and open the hearing on Assembly Concurrent Resolution 30.

**Assembly Concurrent Resolution 30:** Directs the Legislative Commission to conduct an interim study concerning issues relating to senior citizens and veterans. (BDR R-1513)

**Assemblywoman Kathy McClain, Assembly District No. 15:**

My testimony will sound very familiar to you because earlier this session I came before you with a bill that would have created a standing committee to study issues relating to seniors and veterans. I am being asked to turn it into an interim study committee.

**Chair Koivisto:**

Are there any questions? [No response]

**Assemblywoman McClain:**

It has lots of support from agencies and every senior citizen I know.

ASSEMBLYMAN GOEDHART MOVED TO ADOPT ASSEMBLY CONCURRENT RESOLUTION 30.

ASSEMBLYMAN SEGERBLOM SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN CHRISTENSEN, GANSERT, AND KIRKPATRICK WERE ABSENT FOR THE VOTE.)

**Chair Koivisto:**

I have asked to have some other studies drafted, and we should be able to have a hearing on them soon. Does anyone on the Committee have an urge to study something? There is a lot of studying already going on concerning global warming, so I am not sure we want to use one of our three studies on that topic. We have heard the testimony on it, so, after we receive the remainder of our ACRs (Assembly Concurrent Resolutions), we will know better what our options are. We are adjourned [at 4:21 p.m.].

RESPECTFULLY SUBMITTED:

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Terry Horgan  
Committee Secretary

APPROVED BY:

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Assemblywoman Ellen Koivisto, Chair

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

**EXHIBITS**

**Committee Name: Committee on Elections, Procedures, Ethics, and Constitutional Amendments**

**Date: May 22, 2007**

**Time of Meeting: 3:45 p.m.**

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance roster
ACR 24	C	Wheeler Cowperthwaite, Legislative Intern, representing Assemblywoman Sheila Leslie	Statement containing his talking points
ACR 24	D	Assemblyman Bobzien	Article from <i>The Salt Lake Tribune</i>
ACR 24	E	Charles Benjamin, Dir., NV Office, Western Resource Advocates	Written testimony in support
ACR 24	F	Allen Biaggi, Director, State Dept. of Conservation and Natural Resources	Written testimony in opposition