

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

**Seventy-Fifth Session  
May 7, 2009**

The Committee on Elections, Procedures, Ethics, and Constitutional Amendments was called to order by Chair Ellen Koivisto at 3:54 p.m. on Thursday, May 7, 2009, 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](#)) and the Attendance Roster ([Exhibit B](#)) 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/75th2009/committees/](http://www.leg.state.nv.us/75th2009/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 Ty Cobb  
Assemblyman Marcus Conklin  
Assemblywoman Heidi S. Gansert  
Assemblyman John Hambrick  
Assemblyman Ruben J. Kihuen  
Assemblyman Harvey J. Munford  
Assemblyman James Ohrenschall  
Assemblyman Tick Segerblom  
Assemblyman James A. Settelmeyer  
Assemblywoman Debbie Smith

**COMMITTEE MEMBERS ABSENT:**

Assemblyman Harry Mortenson, Vice Chair (excused)  
Assemblyman William C. Horne (excused)

**GUEST LEGISLATORS PRESENT:**

Assemblyman Kelvin D. Atkinson, Clark County Assembly District No. 17  
Senator Michael (Mike) A. Schneider, Clark County Senatorial District No. 11  
Senator Joyce L. Woodhouse, Clark County Senatorial District No. 5

**STAFF MEMBERS PRESENT:**

Patrick Guinan, Committee Policy Analyst  
Terry Horgan, Committee Secretary  
Cheryl McClellan, Committee Assistant

**OTHERS PRESENT:**

Curtis Myles, President and Chief Executive Officer, Las Vegas Monorail Company, Las Vegas, Nevada  
Kyle Davis, Political and Policy Director, Nevada Conservation League and Education Fund, Reno, Nevada  
Russell Rowe, representing Nevada Development Authority, Las Vegas, Nevada

**Chair Koivisto:**

[Roll was called. Committee protocol and rules were explained.] I would like to acknowledge that we have two members from the Board of Education here, Willia Chaney and Gloria Bonaventura.

For those of you here on Senate Bill 210 (1st Reprint), the bill has been pulled from the agenda.

Senate Bill 210 (1st Reprint): Makes various changes to the provisions governing the disposition and reporting of campaign contributions. (BDR 24-582)

[This bill was not heard.]

**Chair Koivisto:**

We will start this afternoon with Assembly Concurrent Resolution 18.

Assembly Concurrent Resolution 18: Directs the Legislative Commission to conduct an interim study concerning mass transportation in this State. (BDR R-55)

**Assemblyman Kelvin D. Atkinson, Clark County Assembly District No. 17:**

I am sponsoring Assembly Concurrent Resolution 18, an interim study concerning mass transportation in Nevada. The study must include an explanation of the benefits and costs associated with expanding mass transportation systems in our state, the funding options available to develop mass transit systems, the infrastructure necessary for any proposed mass transit system, and the environmental impact of any proposed expansion of the mass transit system. The subcommittee will be composed of three members of the Assembly and three members of the Senate.

You may recall that the Legislature studied the feasibility of mass transit during the 2003-2004 interim. I was a member of that interim study group, as were some of the members of this Committee. The study was created because the Legislature had concerns about our state's mass transit system standing still and possibly falling behind the rest of the country.

The subcommittee made many recommendations to the 2005 Legislative Session concerning mass transportation, but one stands out. The subcommittee recommended continuing to study the feasibility of long-range mass transit needs in Nevada. As each of you are aware, the mass transit needs of our citizens are evolving as we continue to grow as a state.

There are many other proposed interim studies this legislative session which are considered important; however, as I just noted, the Legislature must continue to consider expanding mass transit throughout the state as it has a direct effect on a person's quality of life. The interim study will specifically seek reviews on forward-looking changes and improvements that may be warranted.

The study will also provide a forum for discussion of alternative mass transit scenarios and input from legislators, agencies, and citizens. Even if a mass transit project is built in only one community, it will have an impact on adjacent communities and states. Moreover, if the majority of our people use a public transportation system instead of private vehicles, there will be less pollution in our state. It is also more energy efficient. A mass transit system may also be cheaper and faster to build and expand than roads are. It will be an added benefit and provide access to other modes of transportation for the nondriving public. I would also like to point out that studying mass transit systems is needed as a prelude to making our major transportation investments.

We have looked at a lot of different things concerning transportation over the last few years and, more particularly, over the last couple of sessions. We have known we have a huge transportation shortfall. Many have suggested

public-private partnerships when it comes to our roads, and some groups want to do the same thing for mass transit. In order to ease congestion within our state, we should look at a litany of options, with mass transit being one of them. I do not believe that any one component is going to get our state where we need to be with respect to transportation. I believe mass transit should be one of those components we consider when talking about relieving congestion on our roads, freeways, and highways. I am a strong believer that mass transit needs to be considered in that discussion.

Hopefully, at some point, all the people working on mass transit ideas throughout the state can be brought together and really give it the attention it deserves. California waited too long, and now it is too late. I do not want us to get too far behind and never really consider mass transit. The Committee can make recommendations or changes to this bill, but I hope you will agree that studying mass transit in Nevada would be a valuable step.

**Chair Koivisto:**

What kind of mass transit are you looking at?

**Assemblyman Atkinson:**

I think light rail is something we should probably be looking at, more particularly in the south since we still have the infrastructure to do it. That is just my opinion, but I know there have been other studies and recommendations so I do not want to direct us only toward that. I wanted to leave it open so the subcommittee could meet and determine what would be best and most cost-effective for the state.

**Assemblyman Hambrick:**

I like the concept. I have lived in the District of Columbia, Los Angeles, and Chicago. Those cities all have mass transit and I like the concept. What would you anticipate the completion date for this study would be? Would it be ready for the next session?

**Assemblyman Atkinson:**

Typically, these committees are put together during the interim and bring their information back to the Legislature. I envision the study results being brought back to the 2011 Legislative Session. Someone, probably the Chair of the Committee on Transportation, would have that in his or her Committee to consider. At some point it would be brought to the floor for a vote.

**Chair Koivisto:**

Interim studies generally have their final meetings in the fall prior to the next legislative session. Interim committees are given a number of bill draft requests (BDRs), and those recommendations would be brought to the next legislative session.

**Assemblyman Atkinson:**

The Chair is correct. Those interim committees are given a number of BDRs which could end up in any committee.

**Chair Koivisto:**

Are there other questions from the Committee? [There was no response.] At the end of session, you will have the opportunity to ask to be on specific interim committees, and the Legislative Commission makes those appointments. There will be six interim committees; three from this House and three from the other House. There will also be a reapportionment committee, which is a Legislative Counsel Bureau committee. So there will probably be seven interim committees, and you will have the opportunity to ask to be on one or more of those committees.

**Assemblyman Munford:**

When you say "mass transit," are you thinking in terms of serving an entire city or county? Will this service extend throughout Clark County?

**Assemblyman Atkinson:**

That is the goal. Mr. Hambrick said it exactly the way I have thought about it the last few years. If you look at Chicago which has the "L" system, New York and Washington, D.C., that have Metro, and Atlanta which has MARTA (Metropolitan Atlanta Rapid Transit Authority), those are meaningful mass transit systems. Those have been proven to get people out of their cars. People who live in those areas do not even think about driving their cars during the week because they have very, very good mass transit systems.

I was in Washington, D.C., in January for the Inauguration. We rented a car, and what a mistake that was. I do not think we ever used it; we used their transit system the entire time. The system was so dependable. And, yes, we are talking about serving all of our communities with this mass transit.

**Assemblyman Munford:**

Are you thinking in terms of underground and aboveground in Clark County?

**Assemblyman Atkinson:**

I am not sure how much underground we can construct, but I would assume the subcommittee would consider everything.

**Curtis Myles, President and Chief Executive Officer, Las Vegas Monorail Company, Las Vegas, Nevada:**

I am here to speak in favor of A.C.R. 18. When our company learned of this bill, we were reminded of all the other studies concerning mass transit in southern Nevada that have gone before it. We thank Assemblyman Atkinson for trying to get some sort of movement and collective, cohesive thought and planning established for transportation, especially for mass transportation in southern Nevada. As the only operator of a rail system in southern Nevada, we feel obligated to speak in support of it. Obviously, we believe in it. Las Vegas Monorail is the only privately operated rail system in the United States, and the only one of any of the mass transit systems that actually covers its own operating and maintenance costs. So it is a fairly effective and efficient system, and we would obviously like to see it expanded.

Our primary purpose for being here is to lend our support to this bill and to Assemblyman Atkinson because we believe mass transit is a vital need in southern Nevada.

**Kyle Davis, Political and Policy Director, Nevada Conservation League and Education Fund, Reno, Nevada:**

We are in support of this resolution. We think that mass transit is obviously a very important part of our future in this state, and we think this is the right move in order to study how we can best go about doing this.

Obviously, most of us would like for the economy to turn around tomorrow, but the one advantage from this slowing of growth, especially in southern Nevada, is that it has given us a chance to really take a look and determine what kind of communities we want to live in. A lot of things have shown that when you have an effective mass transit system in a community, it does create a more livable, more sustainable community. In the West, studies show that housing values have not decreased as much in communities that have smart, effective mass transit systems like Portland and Seattle. Although that is just a correlation, it does speak to the ability of building a strong community in our state by having an effective mass transit system, so we are definitely in support of the resolution. We think that it should go forward and we should get started with Assemblyman Atkinson's vision of building effective mass transit in our communities.

**Chair Koivisto:**

Are there any questions from the Committee? [There were none.] We will have a final hearing during which we will consider all the study bills, and that is when we will decide which ones to adopt. We will close the hearing on A.C.R. 18 and open the hearing on Senate Joint Resolution 9.

**Senate Joint Resolution 9: Urges Congress to revise certain provisions of federal law relating to hybrid vehicles. (BDR R-1065)**

**Senator Michael (Mike) A. Schneider, Clark County Senatorial District No. 11:**

This resolution urges Congress to allow hybrid vehicles to be included in the Energy Policy Act of 1992. This Act had to do with how fuel is rated for fleet vehicles. In 1992 hybrids were not available, so they were not included in the formula. I think this would be a good move for the nation and especially for Nevada. As you know, Las Vegas has the twelfth-dirtiest air of any city in the nation. That figure was just released last week. Carson City, on the other hand, is among the top five cities with the cleanest air in the nation.

During last June and July, Las Vegas was in an alert status because of our dirty air and the inversion that sat over the city. Usually, we have problems in December around Christmas time when there is a lot of traffic because people are traveling and shopping; and in January when we get temperature inversions. But last year it happened for two consecutive months in the summer. I bring this up because, as we are trying to clean our air by burning cleaner fuel, we feel that adding hybrids to the formula is a step in the right direction.

**Chair Koivisto:**

This is a case of the left hand not knowing what the right hand is doing in Washington, D.C. When you buy one of the hybrid cars, you may get a tax rebate. There is a whole list of these cars and the amount you can claim on your tax return. Are there any questions from the Committee? [There was no response.]

**Senator Schneider:**

This resolution came from the Senate Committee on Energy, Infrastructure, and Transportation.

**Chair Koivisto:**

I will entertain a motion to Do Pass.

ASSEMBLYMAN SEGERBLOM MOVED TO DO PASS  
SENATE JOINT RESOLUTION 9.

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMEN GANSERT, HORNE, MORTENSON, AND SMITH WERE ABSENT FOR THE VOTE.)

Now, we will turn to Senate Concurrent Resolution 16.

**Senate Concurrent Resolution 16:** Encourages the Nevada Development Authority to create a revolving fund to help support certain types of businesses. (BDR R-875)

**Senator Michael (Mike) A. Schneider, Clark County Senatorial District No. 11:**

The Nevada Development Authority can set up this revolving fund funded by private sources and/or government sources. We are hoping that by having this fund, the federal government would have a tool for depositing money from the stimulus package and from other specific, line-item spending bills. They would deposit money into the fund, and the Development Authority could use that money to support start-up businesses in our state. After consideration of the economic benefits, it would loan or grant money to businesses in the medical, health care, biotechnological, bioindustrial, and bioagricultural industries.

This really pertains to a bill we processed on stem cells. We feel Nevada is in a unique position concerning stem cells. We are not going to compete with those studying stem cells; we are going to get into the application, or what is better referred to as translation. There has been a lot of research on stem cells. We have processed a bill relating to adult stem cells so here in this state we can process adult stem cells. There are a lot of companies looking closely at relocating to Nevada. Right now, a lot of companies are overseas. These companies are looking to come to Nevada, and we feel that would lead to huge economic development. United States Senator Harry Reid needs a vehicle to help place some money in Nevada, and this could be that vehicle.

I was approached by a company from the Washington, D.C., area named Toucan. They just opened a stem cell facility in Israel and have others in Spain and Germany. They want to work in the United States. We are in the process of getting our stem cell law in place. They really like Las Vegas because of its in-city airport with cheap flights in and out, and the number of and different price-points for our hotel rooms. People could fly to Las Vegas, and it could become a major health care destination. That is what we are attempting to accomplish.



People could come to Las Vegas to have heart-valve work done using stem cells. Doctors could repair heart valves with stem cells using outpatient procedures. They could redo knees and cartilage in knees as outpatient procedures. The process involves taking a little bit of fat from your body and processing it into stem cells. That would create a lot of jobs in Las Vegas. These do not have to be college-educated workers. Technicians do this processing. These would be \$40,000, \$50,000, \$60,000-a-year jobs, and these people would be trained in Las Vegas. The people you read about going overseas for health care could now come to Las Vegas. We hope to be on the cutting edge, and that is what this resolution is about.

**Chair Koivisto:**

Are there any questions from the Committee?

**Assemblyman Settlemeyer:**

I was just reading testimony from the Senate when this bill was heard, and I am agreeable with the concept of promoting medical tourism. I assume you are not speaking of embryonic stem cells, correct?

**Senator Schneider:**

No. The bill we passed has to do only with adult stem cells. There has been a lot of work with embryonic stem cells, but the Toucan company and some other companies do not like working with embryonic stem cells, and it is not because they are controversial. It is because they feel embryonic stem cells are too unstable and risky. Even in the petri dishes, embryonic stem cells grow tumors. The stem cells from your body are stable. They can be removed and processed. They contain "shut-off" mechanisms because you are an adult. When your body is healing, it goes through that process and then shuts off. Embryonic stem cells do not contain shut-off mechanisms. When those stem cells are processed and injected into a patient—for instance to fix the cartilage in your knee—the cells fix the cartilage, but then they keep going and can develop a tumor.

**Assemblyman Hambrick:**

Is this vehicle for our congressional delegation?

**Senator Schneider:**

Yes, it could be.

**Assemblyman Hambrick:**

Rather than an individual's vehicle, will it be a vehicle for the entire congressional delegation? Earlier, you named a specific U.S. Senator, but this would be for the entire congressional delegation?

**Senator Schneider:**

Yes, it would be. I just know that Senator Reid seems to move a lot of money right now, and his staff is aware of what we are trying to do. Representative Titus is aware of this too and is a member of the House Committee on Ways and Means.

**Chair Koivisto:**

We are encouraging them to create a revolving fund. Is the state going to have to find money to start this revolving fund?

**Senator Schneider:**

No, they will not, Madam Chair. There is no fiscal note on this. We are just giving the Nevada Development Authority the authority to create this fund. If you read the bill, it says "bioindustrial (that would be like stem cells) and bioagricultural." Bioagricultural includes biodiesel. Algae can be grown very quickly, especially in the deserts of the southwest. It can be harvested constantly. There are people looking to the Indian tribes in southern Nevada and northern Arizona. They have the water and hundreds of thousands of acres of land and could grow algae. That could feed right into the biodiesel process, and be another angle.

**Russell Rowe, representing Nevada Development Authority, Las Vegas, Nevada:**

I am speaking on behalf of this bill. This has the potential to be very productive for the State of Nevada. The areas indicated in this resolution include medical, health care, biotechnical, and bioindustrial. The Nevada Development Authority (NDA) has committees focusing on different sectors of the economy. They bring in experts from the private sector to help attract companies from these different industries to southern Nevada. With the potential for federal monies, having a fund set up in this way gives southern Nevada the ability to use the funds to attract these types of technologies, including biodiesel. Southern Nevada already has one biodiesel manufacturing company under construction in Las Vegas. We view this as another tool to help attract companies to southern Nevada. The NDA is not a bank, so that issue must be worked through, but the concept has a lot of possibilities.

**Chair Koivisto:**

I am confused about the need for this legislation. Can they just go ahead and do this? Do they need us to say that it is a good idea and that they should do it?

**Senator Schneider:**

It is my understanding that the Nevada Development Authority (NDA) currently does not have the authority to do this. If the state says they should do it, the federal government will look at it more favorably and could move money into that area. This is something the NDA said was needed.

**Chair Koivisto:**

Are there any other questions from the Committee? [There was no response.]  
What is the pleasure of the Committee?

ASSEMBLYMAN SEGERBLOM MOVED TO ADOPT  
SENATE CONCURRENT RESOLUTION 16.

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

Is there any discussion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMEN CONKLIN, GANSERT,  
HORNE, MORTENSON, AND SMITH WERE ABSENT FOR THE  
VOTE.)

All right, we will move on to Senate Joint Resolution 4.

[Senate Joint Resolution 4:](#) Urges Congress to fund fully and protect the  
Medicare program. (BDR R-785)

**Senator Joyce L. Woodhouse, Clark County Senatorial District No. 5:**

This resolution is brought on behalf of the Nevada Silver Haired Legislative Forum in order to relay to the United States Congress the concern of Nevadans over the financial difficulties currently facing the Medicare system. This measure is the product of the hard work of Thelma Clark, a longtime Nevada resident and advocate for seniors. As you may know, Thelma passed away in March of this year.

Medicare provides health insurance to people aged 65 and older, as well as certain people with disabilities. It is funded by payroll and general taxes, and premiums and copayments of the program. More than 43 million people are

covered by Medicare in the United States. This number is increasing dramatically as the "baby boomer" generation begins to draw benefits. Currently, about 13 percent of Nevada's population receives Medicare. Nevada has the highest annual increases in Medicare participants. Our state has seen increases of 9.9 percent compared to the national average of 6 percent.

For this growing senior population, Medicare is the primary form of coverage, and many Nevadans are completely dependent on this service. This year, it is estimated that Medicare will pay out more in benefits than it collects in taxes, and the reserves in the Medicare Trust Fund are expected to be depleted in a decade. The elimination of Medicare would have a devastating effect on our citizens in Nevada.

We must send a strong message to Congress that they must address the current crisis facing the Medicare program, and take measures to ensure that it is fully funded for the future needs of our citizens. I urge your support of S.J.R. 4 and ask that you pass this resolution in the memory of its strongest advocate, Thelma Clark.

**Chair Koivisto:**

Many of us who have been legislators for some time will remember Thelma Clark. She was a wonderful lady who came and testified on senior and health care issues every session.

Are there any questions or comments from the Committee? [There were none.] I will wait until the rest of the Committee is here to bring this resolution back for a vote. We will close the hearing on S.J.R. 4. It appears that Senator Amodei is not in the building to present his bill, so we will roll Senate Concurrent Resolution 6 to our next meeting on Tuesday.

**Senate Concurrent Resolution 6:** Urges counties to map and document certain county roads to preserve rights-of-way over public lands in Nevada.  
(BDR R-467)

[The bill was not heard.]

Assembly Committee on Elections, Procedures, Ethics, and Constitutional  
Amendments  
May 7, 2009  
Page 13

Is there anything else to come before the Committee or any public testimony  
today? [There was no response.] All right, then we are adjourned  
[at 4:51 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 7, 2009

**Time of Meeting:** 3:54 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster