

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-Fifth Session
March 5, 2009**

The Committee on Government Affairs was called to order by Chair Marilyn K. Kirkpatrick at 9:04 a.m. on Thursday, March 5, 2009, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 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/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; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Marilyn K. Kirkpatrick, Chair
Assemblyman David P. Bobzien, Vice Chair
Assemblyman Paul Aizley
Assemblyman Kelvin Atkinson
Assemblyman Chad Christensen
Assemblyman Jerry D. Claborn
Assemblyman Ed A. Goedhart
Assemblywoman April Mastroluca
Assemblyman Harvey J. Munford
Assemblywoman Peggy Pierce
Assemblyman James A. Settlemeyer
Assemblywoman Ellen B. Spiegel
Assemblyman Lynn D. Stewart
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Susan Scholley, Committee Policy Analyst
Scott McKenna, Committee Counsel
Cyndie Carter, Committee Manager
Cheryl Williams, Committee Secretary
Olivia Lloyd, Committee Assistant

OTHERS PRESENT:

None

Chair Kirkpatrick:

[Roll taken] This will be our first work session. For those of you who have not been involved in a work session, you have a work session notebook with your name on it. At the end of the meeting, staff will pick it up, so please leave it at your desk and we will keep them all together, because towards the end they start to fill up. If you want to take the documents back to your office, which is what I always do, please note that we will not have them; we will just have your notebook. I keep them all together in here, because if I need them, I can always look back to something when it goes to the Senate side. Also I have mine from every session. As I mentioned before, there are a bunch of bills that come back time and time again. It is always interesting to look at the notes and see what you did.

We will go through this relatively easily; everyone has seen the documents of everything that is going to be posted. Typically we do not take any public comment at this time unless there is something I or Ms. Scholley cannot answer. Then we will invite someone up to the table, but for the most part we have had plenty of time for dialogues. Our Committee Policy Analyst, Susan Scholley, will give the overall summary of what each bill does, as well as our options. With that, we will start with Assembly Bill 3.

Assembly Bill 3: Requires each plot in each veterans' cemetery in this State to be landscaped with turf grass. (BDR 37-197)

Susan Scholley, Committee Policy Analyst:

[Read from work session booklet.] Assembly Bill 3 ([Exhibit C](#)) requires each plot in each veteran's cemetery in this state to be landscaped with turf grass. As discussed during the hearing, this would apply only to the two veterans' cemeteries that are designated in the *Nevada Revised Statutes* (NRS). During the hearing there was an amendment ([Exhibit D](#)) proposed by the Office of Veterans' Services, which is attached behind the summary. Afterward the sponsor proposed an amendment, on page 2, lines 3 to 5, so it would be clear that artificial turf is not permitted.

Chair Kirkpatrick:

Of the many amendments that Mr. Tetz submitted, the one that the bill sponsor was most inclined to support related to when the grass would be planted. They would not have to go out and plant the grass every time if it was within the realms. So that option is there as well.

I am going to open it up for discussion. Our three options are: we can amend and do pass with both amendments, we can amend and do pass with one amendment or the other, or we can do pass as written.

Assemblyman Bobzien:

Looking at the second amendment, "the cemetery superintendent shall ensure that the area immediately above," so if we do both the amendments, we also will have the location defined as not "immediately surrounding," but "immediately above?"

Chair Kirkpatrick:

Let me explain further. Mr. Tetz submitted the second amendment, which the bill sponsor was willing to accept, about when the grass would be planted. Otherwise it would stay as he suggested in the first part, that natural turf was surrounding each plot. There was a big controversy about what would be over the top of the plot.

Assemblywoman Spiegel:

Wasn't there also clarification or definition of the area surrounding each plot?

Susan Scholley:

According to my discussions with Assemblyman Manendo, he was not inclined to accept the proposal by the Office of Veterans' Services to change the language about "immediately surrounding." He wanted to keep that language. He also was not inclined to support the concept that in the future they would be able to potentially use other nonnatural or artificial forms of turf grass. So his proposal, which is amendment number one, was to leave "immediately

surrounding" the way it is and to add the word "natural" to make it clear that artificial turf grass was not an option. I think either in the amendment or for the record he would like it to be clear that he was not expecting them to tear up sidewalks, and in terms of planting the grass, that would be done in the normal way they have been doing it.

As far as the sponsor's viewpoint, he likes amendment number one. The Office of Veterans' Services is asking for something different, which is above the plot, the option to use artificial turf, and some additional definitions, which again, the sponsor was not inclined to accept.

Assemblyman Settlemeyer:

I am more inclined to support Mr. Manendo's concepts. I understand this concept of wanting to get into similar substitutes; when those similar substitutes come up, we can always revisit this issue.

Chair Kirkpatrick:

Is that a motion, Mr. Settlemeyer?

Assemblyman Settlemeyer:

Out of respect, I was hoping to allow one of the veterans in this room, like Mr. Stewart, to make that motion.

Assemblyman Stewart:

Thank you. I am still concerned that we are including above the plot.

Chair Kirkpatrick:

We are not including above the plot.

Assemblyman Stewart:

I am concerned that the actual grave would be barren and the area around the plot would be grassy.

Chair Kirkpatrick:

It is not necessarily barren to have some type of landscaping plan, because that is already required by the Department of Veterans Affairs to have a landscaping plan. A lot of folks have reminded me that when they go out there on Sundays in their wheelchairs, it is hard for them to get across all parts of the grass, so they would find it acceptable if grass was not across the whole cemetery. Mr. Manendo was fine with the surrounding area, and I would bet they could be pretty creative.

ASSEMBLYMAN STEWART MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 3.

ASSEMBLYWOMAN PIERCE SECONDED THE MOTION.

Chair Kirkpatrick:

Is there any discussion?

Assemblyman Goedhart:

They could always say "immediately above and surrounding" each plot. I believe that is what our colleague from the south was referring to. It says "immediately surrounding," but you could put "immediately above and surrounding."

Chair Kirkpatrick:

Mr. Goedhart, I do not believe that this precludes it. It just says at the very least you have to have turf around the surrounding area. I think they could still do that. We can verify that with the bill sponsor on the floor.

Assemblywoman Woodbury:

One of the amendments changed it from just "plot" to "interned remains" because there are many plots, like areas of plots that they are not using yet, but they are designated as plots, and suggesting they do not have to plant grass there until there are actually remains there. Is that something that we need to be concerned with?

Chair Kirkpatrick:

We did talk about that. That is the second part of the vicinity where they do not have to go and plant the grass because there is nothing there. Mr. Manendo agreed that was a fair statement for the Department of Veterans Affairs. That is very clear on the record. Is there any further discussion?

THE MOTION PASSED UNANIMOUSLY.

Let me say this to everyone. You have the option to state for the record that you could change your mind on the floor as we move forward with this. I do not want anyone to feel like they have to. Please just know that I do not want to go to the floor and have 14 people vote against it, and then have to tell Mr. Manendo, "Gee, I am not sure what happened." I will assign this bill to Mr. Manendo to present on the floor.

Our second bill is Assembly Bill 39.

Assembly Bill 39: Revises the provisions of the North Las Vegas City Charter governing primary municipal elections. (BDR S-373)

Susan Scholley:

[Read bill ([Exhibit E](#)) from work session booklet.]

Chair Kirkpatrick:

Does anyone have any questions? I could accept a motion for a do pass.

ASSEMBLYMAN BOBZIEN MOVED TO DO PASS
ASSEMBLY BILL 39.

ASSEMBLYWOMAN SPIEGEL SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Mr. Atkinson will do the floor statement.

This is no option for those of you in the first row. If you do not volunteer, then I will volunteer you.

We now move on to Assembly Bill 60.

Assembly Bill 60: Revises provisions concerning the administration and investment of public money. (BDR 31-453)

Susan Scholley:

[Read bill ([Exhibit F](#)) from work session booklet.]

Chair Kirkpatrick:

One of the other things on this bill was that the Department of Taxation actually has the contract with the bank that has the investments, and it is actually going to save the state money through the processing time. I think they testified if we allow them to use an out-of-state bank, the State Board of Finance must approve it first. Is there any discussion?

ASSEMBLYWOMAN SPIEGEL MOVED TO DO PASS
ASSEMBLY BILL 60.

ASSEMBLYMAN SETTELMAYER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Who would like to do the floor statement? You have to be good at this, because I would bet that the Chairman from Judiciary is really going to bust your chops on this one. Do not take it on unless you are going to study it, and I suggest you call the Treasurer's Office. I would like someone from the front row to volunteer. Please do not make me pick. Mr. Goedhart will do the floor statement. As I have told you, if you do not volunteer yourselves, I am going to volunteer you. Just know that the Chair does not have to back you up until you fail on the floor.

Our next bill is Assembly Bill 74.

Assembly Bill 74: Revises provisions concerning the presentation of a final map of certain subdivisions of land. (BDR 22-472)

Susan Scholley:

[Read bill ([Exhibit G](#)) and amendment ([Exhibit H](#)) from work session booklet.]

Two amendments were proposed. The Washoe County amendment deletes the provision which would allow a governing body to adopt an ordinance prescribing the deadline for filing a map. It also adds in language relating to the new conditions which could be imposed on a final map. That part is on page 3 of your mock-up, and this new language is identical to existing language in *Nevada Revised Statutes* (NRS) 278.360. Also, at the hearing the Chair of the Committee requested the addition of a sunset date, which is proposed to be June 30, 2013.

Chair Kirkpatrick:

The reason I asked for the sunset date is because I think in two years we can see how beneficial the bill was or was not. I think we need to have the opportunity to come back and revisit this. I feel it is moving in the right direction, and especially during these tough economic times we do not want to rebound and have to wait another 18 months with nothing to build on. I think even as early as next session we could see if it works.

Is there any discussion on A.B. 74? Do I have a motion for A.B. 74?

ASSEMBLYMAN STEWART MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 74.

ASSEMBLYMAN CHRISTENSEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Kirkpatrick:

We will proceed with Assembly Bill 174.

Assembly Bill 174: Exempts the State Public Works Board from the requirements relating to construction managers at risk. (BDR 28-992)

Susan Scholley:

[Read bill ([Exhibit I](#)) from work session booklet.]

This bill does sunset on June 30, 2011. It temporarily exempts the State Public Works Board from requirements relating to the use of construction managers at risk (CMAR) in *Nevada Revised Statutes* (NRS) Chapter 338. The State Public Works Board would still be subject to the authority for CMAR in NRS Chapter 341.

Chair Kirkpatrick:

Most of you will remember this is the bill that I hated to do; however, there is \$200 million via the stimulus package that would be lost had we not given back a little authority. Mr. Nuñez has the homework assignment of reporting back to us on the different effects of Senate Bill No. 201 of the 74th Session and this bill, A.B. 174, on what happens within his department. With that, I can take a motion for a do pass.

ASSEMBLYMAN BOBZIEN MOVED TO DO PASS
ASSEMBLY BILL 174.

ASSEMBLYWOMAN WOODBURY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Who would like to do the floor statement? Mr. Claborn will do the floor statement. Mr. Bobzien will do the floor statement on A.B. 74.

We now move on to Assembly Bill 180. The train bill.

Assembly Bill 180: Designates Engine No. 40 of the Nevada Northern Railway as the official state locomotive of the State of Nevada. (BDR 19-734)

Susan Scholley:

[Read bill ([Exhibit J](#)) from work session booklet.] An amendment has been proposed to designate Engine No. 40 as "an" official state locomotive, thereby leaving the door open to other locomotives in the state.

Chair Kirkpatrick:

Is there any discussion? With that, I will take a motion.

ASSEMBLYWOMAN MASTROLUCA MOVED TO AMEND AND DO
PASS ASSEMBLY BILL 180.

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

Chair Kirkpatrick:

Is there any discussion?

Assemblyman Christensen:

Just a quick question for clarification. For it to be "an" official state locomotive, is it similar to a big event like the Olympics where there are several official sponsors, so it would work in that way, because there may be one in my district someday?

Chair Kirkpatrick:

That was the whole point. We wanted to give every Nevada locomotive the opportunity to have its day in the Legislature. Engine No. 40 would be the first on the roster, and this does not preclude Carson City from having theirs, and so forth. This provides plenty of opportunity for bill drafts for next session.

I have a motion on the floor by Mrs. Mastroluca and second by Mr. Bobzien. Is there any further discussion?

THE MOTION PASSED UNANIMOUSLY.

Mr. Goicoechea will do the floor statement.

The next bill is Assembly Bill 193.

Assembly Bill 193: Provides for reporting by certain governmental entities concerning the collection of fees and taxes. (BDR S-243)

Susan Scholley:

[Read bill ([Exhibit K](#)) from work session booklet.]

There was also discussion regarding the additional detail that may be needed with respect to the reports that are filed, and so there may need to be some additional direction to the bill drafter if the Committee feels that is appropriate.

Chair Kirkpatrick:

I spoke with Carole Vilardo of the Nevada Taxpayers Association, and there is probably some additional detail needed to make sure that the report works. I think through bill drafting we can get it detailed. It will not change the intent of the bill whatsoever. What will happen is that you will have this pot of money set for an exemption, but you will not know what it goes for. We need to make sure what the "little more detail" is and how it works. It will change the form; you have to specify which category. Currently, this would tell us the amount of the exemption but not what it is for, so it would not give us quite everything we were looking for. It does not change the intent. The 60 days was agreed to by all the agencies. Is there any discussion on the second amendment? That second direction—it is not really an amendment—just came up late last night.

Assemblywoman Pierce:

I just want some clarification. Are you talking about the amendment that changes the filing time and then this amendment...

Chair Kirkpatrick:

It is not necessarily an amendment. It just gives them the direction to specify very clearly what we are looking for. It would only be one amendment, but to specify exactly what the exemption is.

Assemblywoman Pierce:

I see.

Chair Kirkpatrick:

Is there any other discussion? You will always have the opportunity to see the bill on the floor. It is not my style to normally do it that way, but we want accurate information.

ASSEMBLYMAN AIZLEY MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 193.

ASSEMBLYMAN SETTELMAYER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

We made it through our first work session. We have about 26 bills that will be coming to Government Affairs. Shortly we will be hurrying. On Monday, Mr. Atkinson is going to re-present A.B. 175. They started over with the bill, so

I think it needs to come back as a hearing. He has agreed to start our Monday off.

With that, do we have any public comment? [There was none.] Is there anything else from the Committee? Meeting adjourned [at 9:37 a.m.].

RESPECTFULLY SUBMITTED:

Cheryl Williams
Committee Secretary

APPROVED BY:

Assemblywoman Marilyn K. Kirkpatrick, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Government Affairs

Date: March 5, 2009

Time of Meeting: 9:04 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Sign In Sheet
A.B. 3	C	Susan Scholley	Assembly Bill 3
A.B. 3	D	Tim Tetz	Amendment for A.B. 3
A.B. 39	E	Susan Scholley	Assembly Bill 39
A.B. 60	F	Susan Scholley	Assembly Bill 60
A.B. 74	G	Susan Scholley	Assembly Bill 74
A.B. 74	H	Washoe County	Amendment for A.B. 74
A.B. 174	I	Susan Scholley	Assembly Bill 174
A.B. 180	J	Susan Scholley	Assembly Bill 180
A.B. 193	K	Susan Scholley	Assembly Bill 193