

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

**Seventy-Seventh Session
May 15, 2013**

The Committee on Government Affairs was called to order by Chairwoman Teresa Benitez-Thompson at 9:15 a.m. on Wednesday, May 15, 2013, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 102 of the System Computer Services Building, University of Nevada, Las Vegas, 4505 S. Maryland Pkwy, 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 nelis.leg.state.nv.us/77th2013. 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 Teresa Benitez-Thompson, Chairwoman
Assemblywoman Dina Neal, Vice Chairwoman
Assemblyman Elliot T. Anderson
Assemblywoman Irene Bustamante Adams
Assemblyman Skip Daly
Assemblyman John Ellison
Assemblyman James W. Healey
Assemblyman Pete Livermore
Assemblyman Harvey J. Munford
Assemblyman James Oscarson
Assemblyman Lynn D. Stewart
Assemblywoman Heidi Swank
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

Assemblywoman Peggy Pierce (excused)



GUEST LEGISLATORS PRESENT:

Senator David R. Parks, Clark County Senatorial District No. 7
Assemblywoman Marilyn Kirkpatrick, Clark County Assembly
District No. 1

Senator James A. Settlemeyer, Senatorial District No. 17

Senator Moises (Mo) Denis, Clark County Senatorial District No. 2

Assemblyman David P. Bobzien, Washoe County Assembly
District No. 24

Senator Tick Segerblom, Clark County Senatorial District No. 3

STAFF MEMBERS PRESENT:

Jennifer Ruedy, Committee Policy Analyst

Jim Penrose, Committee Counsel

Bonnie Hoffecker, Committee Manager

Jennifer Dalton, Committee Secretary

Olivia Lloyd, Committee Assistant

OTHERS PRESENT:

Gerald Gardner, Chief of Staff, Office of the Governor

Leo M. Drozdoff, P.E., Director, Department of Conservation and Natural
Resources

Kyle Davis, representing Nevada Conservation League and Education
Fund

Mike Draper, representing South Tahoe Alliance of Resorts

Darcie Collins, representing The League to Save Lake Tahoe

Lee Bonner, Chairman, Douglas County Board of County Commissioners

John Marshall, General Counsel, Tahoe Regional Planning Agency

Taylor McCadney, Legislative Intern

P. Michael Murphy, representing Clark County

Geraldine Murphy, Private Citizen, Las Vegas, Nevada

Chairwoman Benitez-Thompson:

[Roll was taken. Meeting protocol was reiterated.] We have one bill today and then a work session. We will start the Committee with the bill hearing for Senate Bill 229 regarding the Tahoe Compact. I will start by inviting our bill sponsor, Senator Parks, to the witness table. We welcome your introductory comments.

Senate Bill 229: Repeals the provisions of Senate Bill No. 271 of the 2011 Session. (BDR 22-726)

David R. Parks, Clark County Senatorial District No. 7:

Thank you for considering Senate Bill 229 today. The Legislature passed Senate Bill No. 271 of the 76th Session and the Governor approved it. This bill withdraws Nevada from the Tahoe Regional Planning Compact in October 2015 unless the Tahoe Regional Planning Agency (TRPA) passes a new regional plan and California and the federal government approve modifications to the Compact to change the voting structure of the TRPA governing board and insert clauses relating to economic conditions and litigation. The main argument advanced by the proponents of the legislation is that S.B. No. 271 of the 76th Session was needed to get California to the table and produce a new, updated regional plan. It was further asserted that there was no desire from the proponents of S.B. No. 271 of the 76th Session to ultimately withdraw from the compact.

On December 12, 2012, the TRPA governing board approved a new regional plan. The new plan was the product of a subcommittee of the board—the TRPA regional plan update committee—as well as a bistate consultation process initiated by lead natural resources staff for Governor Sandoval and Governor Brown. This consultation process included representatives from local governments, the environmental community, developers, and governing board members.

No matter your opinion on the role of S.B. No. 271 of the 76th Session in this process, there can be no argument that the two states and the vast majority of stakeholders have come together in the spirit of collaboration around the regional plan. There is wide community and stakeholder support for the newly adopted regional plan. For this collaboration to continue and for the two states and the community to successfully implement this regional plan that encourages both environmental and economic gains, it is essential that Nevada recommits to the Compact by passing legislation this session repealing provisions of S.B. No. 271 of the 76th Session.

With your approval, I would like to turn the presentation over to the Senate Majority Leader, the Assembly Speaker, as well as the Chief of Staff for the Governor's Office. Thank you very much. I would be happy to answer any questions.

Chairwoman Benitez-Thompson:

Thank you for your comments, Senator Parks. I appreciate the work you have done on this bill. Let us go ahead and welcome Mr. Gardner, Assemblywoman Kirkpatrick, Senator Denis, and Mr. Drozdoff.

Gerald Gardner, Chief of Staff, Office of the Governor:

I am here representing the Governor and affirming his support for Senate Bill 229 and the amendment ([Exhibit C](#)) being presented to you today. As you are aware, early yesterday afternoon Governor Sandoval and Governor Jerry Brown announced the bistate agreement that is reflected in this amendment. This agreement was developed with legislative leadership from both states, including the legislative leaders sitting at this table with me now, and with the involvement of both governors. This bistate agreement underscores the commitment by both states to work together to do what is best for both the environment and the economy of Lake Tahoe and the entire Lake Tahoe Basin. In fact, this partnership between Nevada and California recently resulted in the successful passage of an updated regional plan for the Basin—the first time that has happened in many, many years. This cooperative effort will continue as both governors have pledged support for implementation of all elements of the regional plan.

As part of this agreement, an amendment is being introduced today to Nevada's S.B. 229, with California's Senate Bill 630 to be amended as well. The Nevada amendment will repeal our state's currently legislated withdrawal from the Tahoe Regional Planning Agency (TRPA) in 2015. The California amendment will halt California's proposal to reestablish a California Tahoe regional planning agency in 2014. Additionally, each state is committed to placing provisions in statute that require consideration of economic conditions in adopting and implementing regional plans, as well as language establishing an added burden of proof for challenging a regional plan and related decisions. In addition, the compromise adds language confirming each state's rights and authorities in relation to membership in the compact. The amendment that is before you has been carefully crafted and considered to maintain and improve important Nevada statutes related to the Tahoe Basin, while also removing language that caused dissension and diminished the effectiveness of an important partnership to protect a lake region treasured by both states. We ask for your support of the amendment that is cosponsored by Assemblywoman Marilyn Kirkpatrick and Senator James Settelmeyer.

Department of Conservation and Natural Resources director, Leo Drozdoff, will now walk the Committee through the mock-up of the amendment. We both look forward to then answering any questions you may have.

Chairwoman Benitez-Thompson:

Thank you for your comments. We will go ahead and hear from everyone at the witness table before we open for comments.

Assemblywoman Marilyn Kirkpatrick, Clark County Assembly District No. 1:

I want to stress the importance of the amendment ([Exhibit C](#)) you have before you today for our state, as well as for California and the treasure that is Lake Tahoe. For months, Senator Settlemeyer and I have had phone calls with California's legislative leadership trying to figure out what the balance is. How do we work within the bill that they have—California's Senate Bill 630—on their side? We could not have done it without the help of the Governor's Office and the two governors working together, as well as Mr. Drozdoff and his counterpart in California. There were many times that there were stalled communications. However, we know the importance of Lake Tahoe and what it brings to both states. This allows us to beautify many pieces of Lake Tahoe for many reasons. This amendment, as Mr. Drozdoff will go through, includes the things that are important to us. One is making sure that we do not set out to withdraw tomorrow because we really want to work together to make the state better. Another is to provide lake clarity. We know that we have to keep moving forward for our state. Those are two of the big concerns that, at least from my perspective in the Assembly, members had for a very long time. Senator Settlemeyer has been working on some of the Senate concerns for those folks. We spent a lot of time working together on this. While working with California leadership, I spoke to the California Assembly Speaker on Friday. He said we are good. We clarified that we are good. We got the language, and we will continue to walk, step by step, with our counterparts in California to ensure this is good for both states.

Chairwoman Benitez-Thompson:

Could you touch a little bit on the work that was done over the interim? There was quite a bit of work done, especially a lot of conversations with members of the California delegation. I just wanted to make sure we put the amount of discussion that took place on the record.

Senator James A. Settlemeyer, Senatorial District No. 17:

In the interim, I have served with Assemblywoman Kirkpatrick on the Interim Committee for TRPA. We have always tried to have meetings with the California delegation, as well. This issue goes back to Congressman Amodei. He went down there and actually got kicked out because he did not follow the correct protocol. In that respect, we made sure to follow the correct protocol. Unfortunately, Assemblywoman Kirkpatrick was unable to go with Senator John Lee and me. We actually went down to the California legislative building and met with them. During the interim, we have been trying get more face-to-face. Assemblywoman Kirkpatrick was able to free up some of her time. We met with four members of the California Legislature here in Carson City. They drove up to us this last time. In the meantime, we have had no

fewer than four or five conference calls with California legislators trying to address these issues and to find other issues and concerns.

What was fascinating is how evolved we are in the state of Nevada, meaning that when I contacted California and said that we were going to arrange a videoconference, they said they do not have the capacity. I asked, "How do you send your meetings down to another county?" They asked, "Why would we send it to another county?" Then, I asked, "Well, how do you get it on the Internet?" They said, "We do not do that." I did not exactly like that answer in terms of transparency. With that being said, Nevada is leaps and bounds ahead on that.

We have worked very much with the other state, reaching out to the California delegation on the other side and trying to find out their issues and concerns. This amendment ([Exhibit C](#)) is an issue of compromise. It very much goes out to what we think will help alleviate the concerns and issues in the Tahoe Basin. That is the burden of proof. Diane Feinstein said it at the last Tahoe Summit when she said that the only way we are going to get green in Lake Tahoe is if we get green (money). The states no longer have the money; therefore, we need the private sector to step forward and start addressing the issues and concerns at Lake Tahoe. This bill will help provide a little bit more direction and allow that to occur by helping to establish the burden of proof a little bit better. With that, though, I think with this amendment and with the changes that have been made at the TRPA with the new head, Joanne Marchetta, I believe things will be able to turn around, and we will be able to see some environmental gains up there that we have, unfortunately, been unable to see in the past.

I want to thank this Committee for hearing the amendment, and, hopefully, this body passing it will move us forward in that direction.

Chairwoman Benitez-Thompson:

Thank you for your comments, Senator Settelmeyer.

Senator Moises (Mo) Denis, Clark County Senatorial District No. 2:

I am here in support. I know they have been working hard on this for a long time. Lake Tahoe truly is a jewel for Nevada. The thing that is the most impressive to me is the fact that we have not only been able to work across the aisle and across the building, but even across the state line—with the two governors, and the California Senate and their Assembly—and present the amendment ([Exhibit C](#)) that is before you today. This is a great day for Nevada that we have been able to work this out. I would urge your support.

Leo M. Drozdoff, P.E., Director, Department of Conservation and Natural Resources:

At the outset, I wanted to thank you in particular, Madam Chairwoman. We appreciate the fact that you worked with us in setting this hearing, giving us the ability to make the last-minute compromises with California come to fruition. I truly want to thank you for that.

With your permission, Madam Chairwoman, I will go through the specific sections of the amendment ([Exhibit C](#)) before your Committee today. I think it is important before we get to that to say on the record that we have made significant positive improvements over the last two years, including updates to the regional plan and both California's and Nevada's updates of their respective Lake Tahoe (208) Water Quality Management Plans. Sometimes those successes fall under the radar screens, but they are significant.

What is embodied in this amendment and what you heard from the previous speakers is that we believe, by working with California on this amendment package and any related implementation steps, our bistate relationship will continue to strengthen and will ultimately result in a more ecologically sound and more economically vibrant Lake Tahoe.

Section 1 amends NRS 277.200 to add an additional burden to parties that are challenging the regional or agency actions. [Mr. Drozdoff continued to read from prepared testimony ([Exhibit D](#)).]

Sections 1.7 and 1.9 essentially highlight what the agreement between the states is. As mentioned previously, it is important to remember that California will have similar language in its Senate Bill 630. The list in section 1.7 is as follows: Both states will work together to gain Congressional approval of compact changes outlined in 1.3. [Mr. Drozdoff continued to read from prepared testimony ([Exhibit D](#)).]

That is the amendment, and with that, we would be happy to answer any questions.

Assemblyman Ellison:

I am glad to see everybody come together and come to a great compromise to make this work. If not, we would have been here for hours just like we were last session trying to resolve some of the issues. One of the things that I am concerned about—and I hope maybe the Governor's Office can explain—is the language that says that either governor can pull out of this agreement. If that were to occur, where would we be at that point in time? Do we stay with the existing law that is in place now? Where do we go from there?

Gerald Gardner:

That is one of the discussions that the governors had together regarding working together, particularly in terms of appointments to board membership. If, for whatever reason, either state reaches the point where they feel that we are not moving forward—as we feel we have been doing since the passage of Senate Bill No. 271 of the 76th Session—for reasons of continued litigation or continued dissension amongst the group, either governor now has the power to withdraw from the Compact. At that point, the presumption is that the states will revert to governing their side of the lake on their own. Whether or not California or Nevada would enact their own compact or simply revert to a state compact at that point remains to be seen as far as whether congressional action might be implicated. I think the point is that both states have now pledged to do things beforehand so that does not become necessary. Both states will talk to one another about appointments to the board and about projects that may result in dissension or may result in potential litigation so that we do not get to that. That was the original intent of the withdraw provision in S.B. No. 271 of the 76th Session, and that is the intent of the withdraw provision under the provision as well.

Assemblyman Stewart:

Having been involved last session in Senate Bill No. 271 of the 76th Session, I know Senator Lee is very pleased with the work that has come forth here. I am sure, as Mr. Gardner has said, when future issues come up, neither Governor Brown nor Governor Sandoval nor future governors will have the desire to pull away, but rather to work together as everyone has done here. I think this is a great example of working together rather than having a confrontation to have cooperation.

Assemblywoman Neal:

I have a question on the amendment on page 3, subdivision (j)(5) of Article VI. You struck the language that is in page 23 in the bill, which says, "In addition, there is a rebuttable presumption that a regional plan adopted" I would like clarity on that sentence and why you struck out the rebuttable presumption. In the language that you were addressing in section 1, we still have the burden of showing that the regional plan is not in conformance with the requirements. Did you not want them to have the rebuttable presumption anymore?

Leo Drozdoff:

The language that you are referring to that is struck was actually in Senate Bill No. 271 of the 76th Session. When we were contemplating what to do about burden of proof here, we originally looked at retaining that section that is now struck in purple. However, if you read it, it really refers to challenging the regional plan. The same spirit is outlined in what you referred to in

section 2, item 6. What we are doing there is basically saying this is where the burden of proof lies in the Compact. We are going to be making these Compact changes. These are federal changes. They will come into effect January 2014. By virtue of doing so, it is federal law, it extends to projects, and it takes effect January 2014.

Assemblywoman Neal:

That is what I was trying to understand. It seemed similar. A rebuttable presumption means something stands as is, and the burden is you shift and prove and establish.

Leo Drozdoff:

You are right. As I said, we discussed this issue quite a bit because, as you correctly point out, the language in S.B. No. 271 of the 76th Session that is now struck in purple was an addition for that reason. When everybody looked at it, it felt better in this section that made clear that it was going to take affect January 2014 and that it extends to projects. That is the best answer I have for you.

Assemblywoman Bustamante Adams:

Could you tell me a little bit more about the state Compact? I know it was revised. What is the length of time that it is effective? What are the processes to revise it in the future? From what I understand from last session, we let it lapse and then it never was revised, so it stayed out there.

Second, could you address the approving of a project regarding the votes that it takes on page 2 of the amendment, section 1.3 (g) (1)? My concern was with economic development. From what I remember from last session, economic development was taking place on the California side but not on the Nevada side. What did we do differently to make sure that there is equity for Nevada?

Lastly, could you tell me about what California is going to do in comparison to what we do?

Leo Drozdoff:

The compact is a living, breathing document. It exists in both statutes. Most Compact changes—but not all and not some of the ones we are proposing—require congressional changes. What we tried to do in section 1.3—and I believe we have done a good job—is to make clear which elements of the Compact are in place now. That is probably something that needs to be verified by the Legal Division of the Legislative Counsel Bureau. In section 1.3, we have essentially taken all the various Compact changes that have shown up in statute and made them clear here.

As far as the voting structure that you asked about, this again exists in the Compact. This was what was changed in S.B. No. 271 of the 76th Session. It changed the voting structure to a different kind of majority requirement. California did not think that was helpful, did not think it addressed the problems, and it was an area of dissension. Getting that change would have required congressional action. I think we stand a very good chance of getting congressional action in areas where the two states agree, but if the two states do not agree on a significant matter, like voting structure, we are not going to get that change anyway. What we are saying in this amendment is that we are reverting to what was in place prior to S.B. No. 271 of the 76th Session.

Economic development is a critical piece for us. What we have tried to do with regard to helping TRPA get their regional plan done, and getting part and parcel with that regional plan, is getting the local area plans that are being done at the county level. Washoe County and Douglas County are working on their local area plans. We do believe that process will lead to those counties having more ability to direct redevelopment projects that are needed at the lake, which will be good for Nevada.

California has their own Senate Bill 630. It was originally drafted in response to S.B. No. 271 of the 76th Session and the withdrawal date of October 2015. They were essentially setting up their own California Tahoe regional planning agency. With this agreement, that bill will be amended to mirror, or closely mirror, what is in this amendment. They will make those changes effective January 1, 2014, as well. That is how it will work. They will have a companion bill that is substantially similar to what will hopefully be passed by this body. The two will match up.

Assemblywoman Bustamante Adams:

Who will be the person responsible for making sure that it mirrors our legislation? Is there one person on the team?

Leo Drozdoff:

If we look to section 3, subsection 3, it will be the Governor. The Governor will issue a proclamation on or before January 2014 that defines what California does. That is why the date of January 2014 is important.

Chairwoman Benitez-Thompson:

I know that the conversations with Assemblywoman Kirkpatrick, the Governor's Office, Senator Settelmeyer, and everyone who has been involved, are ongoing with California about this language and the follow-through on their piece. It is all in good faith and good spirit. I believe it will continue to be so.

Assemblywoman Swank:

I want to return to Assemblywoman Neal's question about the Governor. Could the Governor withdraw from the Compact if he does not like the California board appointments?

Leo Drozdoff:

It is a little bit more complicated than that. Essentially, what existed in statute prior to S.B. No. 271 of the 76th Session is in NRS 278.826. Should California withdraw or should the Governor of this state find the TRPA has been unable to perform its duties or exercise its powers, then the Governor could issue a finding of fact and exit the Compact. As Mr. Gardner said, that is the last resort. That is what we are trying to avoid by doing all of this. What both states are recognizing, by saying that the states can leave pursuant to their existing authorities, is that we are absolutely committed to building on the successes that we have had over the last two years. We think we are going to have more successes. In my view, the most important things that we need to see improvement on are in getting these local area plans up and going and seeing if we can stem the tide of litigation that goes on at the lake. This is all about saying we are working in good faith. We are going to continue to make progress, but both states are saying that if, for whatever reason it does not work, we are not going to hold anybody up. We are certainly not ready to do that. That is not our game plan nor where we are headed. That was in statute prior to S.B. No. 271 of the 76th Session.

Chairwoman Benitez-Thompson:

Thank you for the clarification, Mr. Drozdoff, that each sovereign state is mutually a part of a compact, but at any time the sovereign states, as the original language acknowledges, have the choice, as a state, to continue in that Compact or not. Certainly, the spirit is to continue in that Compact and participate fully. In addition, Mr. Drozdoff, in referencing California and the work that was done, I know you worked extensively with John Laird, who is your counterpart in California. I wanted you to mention for the legislative record that you and Mr. Laird, with California's Natural Resources, were in constant communication about this language. Is that correct?

Leo Drozdoff:

That is correct, and I would add that we have also been in constant communication with California legislative staff.

Chairwoman Benitez-Thompson:

Are there any additional questions from Committee members? Seeing none, I am going to invite Assemblyman Bobzien to come up for comments.

Assemblyman David P. Bobzien, Washoe County Assembly District No. 24:

I want to issue my strong support for Senate Bill 229 as it was and the amendment ([Exhibit C](#)), which I think is a fantastic compromise. An historic compromise has been reached by all the parties concerned. If you recall last session with Senate Bill No. 271 of the 76th Session, my own opposition to the bill at that time was not specific to the stories and concerns that the communities have about the TRPA, about the planning processes up at the lake, et cetera. It was, at its core, an opposition to withdrawing from the Compact and putting that timetable in statute. I think the Compact that we have is a tremendous tool that has been in place for many decades now. In fact, it is unique in our country in dealing with how we protect a national treasure that is certainly loved by people across the country and, most certainly, folks in California and definitely those of us here in Nevada. So, it is with great joy that I come before you in supporting this amendment, primarily for the reason that it does repeal the timetable for withdrawal that was found in S.B. No. 271 of the 76th Session.

Many compromises have been made, as you have heard. Many working relationships that were not in place before S.B. No. 271 of the 76th Session have developed. I want to particularly thank California Senator Fran Pavley and her staff whom I worked with through the interim, and certainly Mr. John Laird and his staff. These relationships were not in place. I think you heard from Assemblywoman Kirkpatrick and from Senator Settlemeyer that we have all developed some unique working relationships that I am confident will help bring the updated regional plan and the associated local plans into the future to get this work done. I also want to particularly thank Senator Denis for his leadership and all of the members of the Senate that voted for S.B. 229. The fact that they made that courageous vote is really what broke the dam and got folks talking on this compromise, so here we are.

I do want to speak specifically on Mr. Gardner's and Mr. Drozdoff's discussions of how the Governor could withdraw and how this is all going to work down. There are some statutes from back in 1979, which was really the last era there was controversy regarding the Compact. It was a similar situation about whether we could get the other state to do some work and what would be the opportunity for Nevada to withdraw. It made it clear that the Governor could make a finding, which would be supported by facts and evidence, that the TRPA "has become unable to perform its duties or to exercise its powers as provided in the Compact." I am very comfortable that would be a pretty high bar to reach for the Governor. The Governor, as I read that—and I would defer to Legal staff—would have to issue a finding saying powers and duties accorded in the Compact are not capable of being performed by the agency and, therefore, we are going to be withdrawing. That would be the contingency that

is being referenced. Of course, Article X, section C of the existing compact still makes it clear that a future Legislature could come back and withdraw by statute. My sense would be that, in terms of what the public's comfort would be here in Nevada on how to proceed, that would be the most appropriate way to give a full airing of the concerns into the future.

With that, Madam Chairwoman, I want to thank you for hearing the bill. I want to thank the members of the Committee for listening to this. Again, I think there has been tremendous progress made, tremendous compromise, and I applaud the spirit of this. I am very relieved to see we are removing the timetable for withdrawal from statute with this amendment and the bill.

Chairwoman Benitez-Thompson:

Are there any questions for Assemblyman Bobzien?

Assemblywoman Bustamante Adams:

I asked a previous question, but I am not sure I got an exact date. How long does the revised state Compact last? Is it good for another 20 years and then we have to revisit?

Chairwoman Benitez-Thompson:

For clarification, I think you mean the regional plan that was adopted. We have folks from TRPA who will be speaking in neutral and can answer questions about that plan.

Are there any additional questions for Assemblyman Bobzien? [There were none.] Thank you so much for the testimony and for all the hard work. At this time, I will accept testimony in support.

Kyle Davis, representing Nevada Conservation League and Education Fund:

Senate Bill 229 is the top priority of the environmental community this session. We are supportive of the bill as written, but are excited that this compromise is before you today. I think this is going to be able to help us move forward in the Tahoe Basin in terms of protecting the environment, as well as fixing some of the problems that we have seen in the past and actually making improvements on the ground.

You have heard a lot about this. I will try to be relatively brief. Our organization was a part of putting the regional plan together over the interim and part of the negotiations between the two states with the different stakeholders in place. To be clear, that regional plan absolutely was a compromise. There were things that we did not like in it. We thought it could have gone further, but we thought it was important to reach

a compromise in order for things to move forward and to have a new regional plan in place. We are certainly excited that this will now be in place to where there will no longer be a timetable for withdrawal from the Compact. Obviously, our number one issue with Senate Bill No. 271 of the 76th Session as it passed last session was that it contained a portion that withdrew us from the Compact because the Tahoe Regional Planning Compact has been so important in terms of actually seeing environmental gain on the ground in the Basin. We have actually arrested the loss in clarity of the lake, and we have done millions of dollars of environmental improvement projects, and much of this is possible because the Compact is in place. Therefore, it is very important that the two states continue to work together and that was obviously our concern in the past. These concerns are alleviated with the compromise that you see in front of you today.

With that, I would like to thank everybody that has been involved with this. Certainly, I thank the two governors that were able to work together to come up with the compromise, as well as the legislative leadership that you have heard from today that worked so hard on this issue throughout the interim and throughout the session. I would urge your support of this bill.

Mike Draper, representing South Tahoe Alliance of Resorts:

On behalf of the South Tahoe Alliance of Resorts, two years ago we worked very hard to pass Senate Bill No. 271 of the 76th Session, believing that there was a lack of cooperation and communication at Lake Tahoe between states and between organizations. There needed to be a better spirit. The overall health of the Lake Tahoe Basin was not just about the environment; it was a belief that the economic well-being and the environmental well-being were important components and were symbiotic in the overall health of the Lake Tahoe Basin. We are very happy with the progress that has been made over the past two years. There are some new folks in place. Both the folks to my right and left have worked very hard to work with folks of all parties and all interests to better take into account all the concerns of the Lake Tahoe Basin. There have certainly been some great improvements in the cooperation and communication between the states. I know that Mr. Drozdoff and the Governor have worked very hard with their counterparts in California. There is a new line of communication that did not exist two years ago. We are very happy with and proud of the courage that was shown by this legislative body to pass S.B. No. 271 of the 76th Session. However, we did make a commitment that we would work hard over the following years to find a compromise that better took into account all the concerns that were expressed about S.B. No. 271 of the 76th Session, but continued the momentum and energy that was established in that. I know Mr. Davis and I have met almost monthly since the passage of S.B. No. 271 of the 76th Session to find a compromise. We are

thrilled that the leadership from Assemblywoman Kirkpatrick, Senator Settelmeyer, the Governor, and Mr. Drozdoff helped establish a compromise that we think will continue the momentum and do it in the right spirit—a positive spirit that is not divisive and does not have a threatening tone to it. We are very supportive of Senate Bill 229, as amended. With that, I will answer any questions.

Darcie Collins, representing The League to Save Lake Tahoe:

I would like to echo Kyle Davis's comments from earlier. I am very excited that we were able to come to a compromise, primarily because this compromise removes the threat of withdrawal from the Compact. I am grateful for all the leadership involved in getting this compromise. I urge your support on the bill, as amended.

Chairwoman Benitez-Thompson:

Are there any questions from the Committee? [There were none.]. Thank you to the three of you for your testimony and the hard work that you have put into this. Is there any more testimony in support? [There was none.] I will take comments in opposition.

Lee Bonner, Chairman, Douglas County Board of County Commissioners:

I have to sign in as in opposition because our county commission has passed a couple of resolutions over the last two sessions in support of Senate Bill No. 271 of the 76th Session and against Senate Bill 229. I think the compromise is good from a personal perspective, but I have to carry the wishes of the board.

I would like to share a few things that are critical for us to understand as we look to protecting the environment and the clarity of Lake Tahoe. S.B. No. 271 of the 76th Session did a lot of good. We, as a county, were able to see a lot of the positive impacts of that bill. We would like to see it stay in place because we think that was a catalyst for a lot of that change.

Yesterday, it was announced by South Lake Tahoe that they received a \$3 million grant for storm water. That is great. We wish we could get that. It was actually a state grant from the State of California. We do not have that kind of money in Nevada, so we have to leverage the private sector. We have to leverage the business community to be able to make some of these environmental improvements. We have been able to do that in Douglas County. When you look at the environment and you look at lake clarity, Douglas County has 18.2 percent of the lake shoreline. When you look at storm water runoff and you look at runoff into the lake, it is measured in Tahoe's maximum daily load or TMDL. We have 18.2 percent of the shoreline, but we only have

3 percent of the runoff into the lake. We are doing our part, and we do that with a public/private partnership. We do that through economic development. We do have the most built-up area around the lake, but we have been able to leverage that for the benefit of the lake. We know that the state does not have \$3 million to give us to help with storm water runoff. We are not going to ask for that. We may ask the federal government for that kind of help if the 2013 farm bill is passed in Congress. We are looking forward to that. We do need to be able to look at the environment from these public/private partnerships and be able to leverage that.

I just wanted to go on the record to make sure that you understand that Nevada is doing their part. We take the environment seriously. We look at lake clarity. We are making improvements. As much as we wanted to see S.B. No. 271 of the 76th Session stay in place, I think the compromise is probably pretty good.

Chairwoman Benitez-Thompson:

I know that by sitting on the interim committee and working through the new regional plan, Douglas County got much more discretion than it has ever had in the ability to participate in this planning process. It is unprecedented in the Compact's history, so I am glad that Douglas County can be so much more of a player and have a role in what these plans are, and I am excited to see what your area plan ends up looking like. I feel it is unfortunate that perhaps the county does not recognize all the good stuff that you got through that conversation and these bills.

Lee Bonner:

When you look at the regional plan update, the completion of the regional plan update does not happen until the area plans are completed. We are still working on an area plan.

Chairwoman Benitez-Thompson:

That gives you the ability to give input from the county commission on permitting and different things, and all of that which you never had a hand in before.

Lee Bonner:

That is exactly correct.

Chairwoman Benitez-Thompson:

That is great because, in a lot of ways, we do go down to the local level for local input, and more area input from folks like you at the county level was part of the big vision of that regional plan so that your needs could be met.

Lee Bonner:

That is right. We are actually bringing before our commission tomorrow the first reading of the area plan. We are going to amend that in November with the rest of the Tahoe Basin.

One thing that concerns me, if I could share this, is that what we were looking at over the last couple of years, is an issue of trust and being able to work together. What has bothered me in the process of S.B. 229 is The League to Save Lake Tahoe has come up and testified against S.B. No. 271 of the 76th Session and against Nevada pulling out of the Compact. Then they go over to California and support California's pulling out of the Compact. It is those kinds of statements that make those of us that live at the lake a little uncomfortable. We have to work there, and we are working for the environment. Those are some of the concerns that I have.

Assemblyman Stewart:

With the amendment, do you think the county commission would now be in at least a neutral position on the bill?

Lee Bonner:

I think so. I am sure we will talk about that tomorrow.

Assemblyman Ellison:

One of the questions I have is when your board is going to meet and when you will be able to address that. The other thing is in the amendment; it went from a four- to a five-man vote. It seemed to me like that is a lot better for us in the long run, right?

Lee Bonner:

Probably. We will see how the area plans go and how those votes go. That will be a big sign of how we move forward.

Chairwoman Benitez-Thompson:

Thank you so much and good luck at that board meeting tomorrow. Is there any additional testimony in opposition? [There was none.] Are there any comments in neutral? [There were none.] Assemblywoman Bustamante-Adams had a question about the regional plan. I will invite Mr. Marshall up to answer that.

Assemblywoman Bustamante Adams:

The plan was revised, from what I understand. Is that correct? If it was, what is the length of time that it actually is in effect before you have to revisit it again?

John Marshall, General Counsel for Tahoe Regional Planning Agency:

The plan itself remains in effect until modified. There are provisions in the amendments that we just passed that require us to look at the plan every four years to make certain it is updated in case there are any modifications or adaptations management needs to do. We are constantly monitoring and can potentially update that plan whenever we feel it needs to be for any variety of reasons. The plan itself does not automatically sunset at any particular date.

Chairwoman Benitez-Thompson:

Are there any additional questions? [There were none.] Are there any other comments in neutral? [There were none.] I will allow any closing comments.

Gerald Gardner:

I think everyone has agreed this is a good compromise in good spirit. Everyone is engaging to create new relationships and talk productively on continuing to move forward in keeping Lake Tahoe the jewel that it is and furthering sensible development that helps the environment and the economy. With that, we thank you very much for taking the time to hear this today. We urge you to pass the bill with the amendments.

Chairwoman Benitez-Thompson:

I will close the hearing on S.B. 229. We will move into our work session. We have five bills up for work session today. We will start with Senate Bill 22 (1st Reprint). I will have our Committee Policy Analyst, Jennifer Ruedy, walk us through the bill.

Senate Bill 22 (1st Reprint): Makes various changes relating to the Office of the Attorney General. (BDR 18-213)

Jennifer Ruedy, Committee Policy Analyst:

[Ms. Ruedy read an explanation of the bill and proposed amendment from the work session document ([Exhibit E](#)).]

At the request of the State Controller, the Office of the Attorney General provided the attached amendment, which is on the next page. It clarifies that the State Controller acts as debt collector for all state agencies pursuant to state law. No cooperative agreement is actually necessary.

Chairwoman Benitez-Thompson:

We have the amendment here from the State Controller. It was signed off and approved by the Attorney General's Office. I will accept a motion to amend and do pass.

ASSEMBLYMAN ANDERSON MOVED TO AMEND AND DO
PASS SENATE BILL 22 (1ST REPRINT).

ASSEMBLYMAN HEALEY SECONDED THE MOTION.

Chairwoman Benitez-Thompson:

Are there any questions on the motion? [There were none.]

THE MOTION PASSED. (ASSEMBLYMEN MUNFORD AND
PIERCE WERE ABSENT FOR THE VOTE.)

Chairwoman Benitez-Thompson:

I will assign the floor statement to Assemblyman Healey.

We will move to Senate Bill 26.

Senate Bill 26: Creates a statewide automated victim information and
notification system within the Office of the Attorney General.
(BDR 18-214)

Jennifer Ruedy, Committee Policy Analyst:

[Ms. Ruedy read an explanation of the bill from the work session document
([Exhibit F](#)).]

Chairwoman Benitez-Thompson:

I will accept a motion to do pass.

ASSEMBLYMAN STEWART MOVED TO DO PASS
SENATE BILL 26.

ASSEMBLYMAN OSCARSON SECONDED THE MOTION.

Chairwoman Benitez-Thompson:

Are there any questions on the motion? [There were none.]

THE MOTION PASSED. (ASSEMBLYMEN MUNFORD AND
PIERCE WERE ABSENT FOR THE VOTE.)

Chairwoman Benitez-Thompson:

I will assign the floor statement to Assemblyman Oscarson.

We will go to Senate Bill 74 (1st Reprint).

Senate Bill 74 (1st Reprint): Revises provisions relating to public records.
(BDR 19-603)

Jennifer Ruedy, Committee Policy Analyst:

[Ms. Ruedy read an explanation of the bill from the work session document ([Exhibit G](#)).]

Chairwoman Benitez-Thompson:

I will accept a motion to do pass.

ASSEMBLYWOMAN SWANK MOVED TO DO PASS
SENATE BILL 74 (1ST REPRINT).

ASSEMBLYMAN LIVERMORE SECONDED THE MOTION.

Assemblyman Ellison:

I did check with many of the justices of the peace in the rural areas, and they said they were fine with the bill as it is.

Assemblyman Stewart:

I would like to reserve my right to change my vote on the floor.

Chairwoman Benitez-Thompson:

Thank you for adding that. We will take comments from the bill sponsor.

Senator Tick Segerblom, Clark County Senate District No. 3:

During our hearing, there was comment about the videos. I do not know if it was mentioned that there was a comment that we only have audios, but making access to videos, as well, may have been discussed.

Chairwoman Benitez-Thompson:

We did not add any such amendment or language.

Assemblyman Livermore:

I am the one that brought up the compact discs. The information I have is that they cost anywhere from \$5 to \$20.

Taylor McCadney, Legislative Intern:

Thank you all for giving me the opportunity to come before you and present this bill. It was an amazing experience. I am very glad that this bill went forward. It is very important for transparency and for things to be unilateral across the board when it comes to having to pay for certain documents.

Assemblyman Elliot Anderson:

I initially had concerns about the funding for the courts, but we aired those concerns. I did not get any contact back from the Eighth Judicial District Court or anyone except the First Judicial District Court. I am in a good place and will be voting for the measure.

Chairwoman Benitez-Thompson:

We will take a vote.

THE MOTION PASSED. (ASSEMBLYMEN MUNFORD AND
PIERCE WERE ABSENT FOR THE VOTE.)

Chairwoman Benitez-Thompson:

I will assign the floor statement to Assemblyman Livermore.

We will move on to Senate Bill 342 (1st Reprint).

Senate Bill 342 (1st Reprint): Revises provisions governing the vacation and abandonment of certain streets. (BDR 22-665)

Jennifer Ruedy, Committee Policy Analyst:

[Ms. Ruedy read an explanation of the bill from the work session document ([Exhibit H](#)).]

Chairwoman Benitez-Thompson:

I will accept a motion to do pass.

ASSEMBLYMAN ELLISON MOVED TO DO PASS
SENATE BILL 342 (1ST REPRINT).

ASSEMBLYMAN LIVERMORE SECONDED THE MOTION.

Chairwoman Benitez-Thompson:

Are there any questions on the motion? [There were none.]

THE MOTION PASSED. (ASSEMBLYMEN MUNFORD AND
PIERCE WERE ABSENT FOR THE VOTE.)

Chairwoman Benitez-Thompson:

I will assign the floor statement to Assemblyman Ellison.

We will move on to Senate Bill 404 (1st Reprint).

**Senate Bill 404 (1st Reprint): Revises provisions relating to business practices.
(BDR 28-827)**

Jennifer Ruedy, Committee Policy Analyst:

[Ms. Ruedy read an explanation of the bill from the work session document ([Exhibit I](#)).]

Chairwoman Benitez-Thompson:

I will accept a motion to do pass.

ASSEMBLYWOMAN NEAL MOVED TO DO PASS
SENATE BILL 404 (1ST REPRINT).

ASSEMBLYWOMAN SWANK SECONDED THE MOTION.

Chairwoman Benitez-Thompson:

Are there any questions on the motion? [There were none.]

THE MOTION PASSED. (ASSEMBLYMEN MUNFORD AND
PIERCE WERE ABSENT FOR THE VOTE.)

Chairwoman Benitez-Thompson:

I will assign the floor statement to Assemblyman Daly.

That concludes our work session today. At this point, I will accept public comment. Mr. Murphy, do you have a guest to introduce? Please, bring her forward.

P. Michael Murphy, representing Clark County:

Seated to my right is my mother, Geraldine Murphy, who is 86 years old and will turn 87 on June 3. She is here visiting for Mother's Day and will be here through Friday. I am very happy to still have her with me and for the time we spend together. Thank you very much.

Chairwoman Benitez-Thompson:

Mrs. Murphy, it is a pleasure to have you here. I have seen you in the building, and I have been curious about who you are. I thought you ought to have a proper introduction since your son spends so much time in this Committee. Are you enjoying your time at the Legislature so far, Ma'am?

Geraldine Murphy, Private Citizen, Las Vegas, Nevada:

Yes, I am. I like government. I like to know what is going on. I have been involved all my life. I like to see what you are doing. I found out it is a lot more work than I thought it was.

Chairwoman Benitez-Thompson:

Thank you, I will take that as a compliment. If you have any questions about the process, you just let us know. It is a pleasure to have you here.

Geraldine Murphy:

Thank you for inviting me up to speak.

Chairwoman Benitez-Thompson:

We will adjourn this meeting of the Committee on Government Affairs.
[The meeting was adjourned at 10:42 a.m.]

RESPECTFULLY SUBMITTED:

Jennifer Dalton
Committee Secretary

APPROVED BY:

Assemblywoman Teresa Benitez-Thompson, Chairwoman

DATE: _____

EXHIBITS

Committee Name: Committee on Government Affairs

Date: May 15, 2013

Time of Meeting: 9:15 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 229	C	Governor Brian Sandoval, Assemblywoman Marilyn Kirkpatrick, and Senator James Settelmeyer	Proposed Amendment
S.B. 229	D	Leo M. Drozdoff	Testimony
S.B. 22 (R1)	E	Jennifer Ruedy, Committee Policy Analyst	Work Session Document
S.B. 26	F	Jennifer Ruedy, Committee Policy Analyst	Work Session Document
S.B. 74 (R1)	G	Jennifer Ruedy, Committee Policy Analyst	Work Session Document
S.B. 342 (R1)	H	Jennifer Ruedy, Committee Policy Analyst	Work Session Document
S.B. 404 (R1)	I	Jennifer Ruedy, Committee Policy Analyst	Work Session Document