MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS

Seventy-Seventh Session
May 16, 2013

The Committee on Government Affairs was called to order by Chairwoman Teresa Benitez-Thompson at 9:10 a.m. on Thursday, May 16, 2013, 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 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:

Assemblyman William C. Horne, Clark County Assembly District No. 34

STAFF MEMBERS PRESENT:

Jennifer Ruedy, Committee Policy Analyst
Jim Penrose, Committee Counsel
Bonnie Hoffecker, Committee Manager
Lori McCleary, Committee Secretary
Cheryl Williams, Committee Assistant

OTHERS PRESENT:

None

Chairwoman Benitez-Thompson:
[Roll was called. Rules and protocols were explained.]

We have no bills to be heard today. We are going to be doing a work session and we will be taking them out of order.

The first bill will be Senate Bill 436 (1st Reprint). I will have Jennifer Ruedy, Committee Policy Analyst, walk us through the bill.

Senate Bill 436 (1st Reprint): Creates the Nevada State Parks and Cultural Resources Endowment Fund. (BDR 19-1154)

Jennifer Ruedy, Committee Policy Analyst:
[Ms. Ruedy read an explanation of the bill and proposed amendment from the work session document (Exhibit C).]

There were some concerns raised by Committee members about the lack of specifications for the qualifications for the members of that committee. There was some additional language added for those three members appointed by the Governor. Section 1.5, subsection 3, paragraph (c) of the amendment adds the language, ". . . with a view toward balancing gender and ethnicity." Section 1.5, subsection 4 states members of the committee must reflect the geographical diversity of this state and at least one member must have experience in the field of financial management or trust management. Section 1.9 allows for the staggering of the terms of the members.

Section 1.7 states, "The traditional Basque drink known as the Picon Punch is hereby designated as the official state drink of the State of Nevada."

Chairwoman Benitez-Thompson:
Before I take a motion, I am going to invite Assemblyman Horne to discuss the amendment regarding the Picon Punch. That was something we did not contemplate during our legislative hearing. Assemblyman Horne has been so gracious to come here today and speak with the Committee about this amendment.

Assemblyman William C. Horne, Clark County Assembly District No. 34:
I appreciate your indulgence in presenting this amendment. It does not affect the bill at all. It does make the Picon Punch our state drink. Those of us who are from Nevada know the rich history of the Basques in our state. If you have not had a Picon Punch, I would say it is an experience you should try at least twice so you can experience that acquired taste and really enjoy its flavors. When people are not from Nevada, they think of the state as a desert wasteland. For those of us who are from Nevada, we know that is not true. That is like the Picon Punch; you have to experience its delightful flavors. There is a celebration tonight in making this Basque drink our state drink across the street at Bella Wines after everyone has finished their work.

With that Madam Chairwoman, I would ask you to accept this amendment in making the Picon Punch the state drink for the state of Nevada.

Chairwoman Benitez-Thompson:
Thank you for making yourself available for questions.

Assemblyman Ellison:
Anyone who has spent any time in Elko, Winnemucca, Ely, Eureka, or anywhere else in the state knows about Picon Punch. I cannot drink one because it tastes like aviation fuel. I go to dinner with my friends and they can drink several.

Assemblywoman Bustamante Adams:
Assemblyman Horne, I definitely appreciate the thought, but like many people who have moved to Nevada, I do not understand the history of the Basques in this state. Could you elaborate on why we would be making aviation fuel our state drink?

Assemblyman Horne:
Being an honorary black Basque, I would say you do not have to be from Nevada to appreciate Nevada. Just like we have many other state icons, such as the state fossil. You do not have to be from here to adopt the state fossil, yet we have one. You do not even have to drink the Basque drink Picon Punch in order to appreciate its history in our state, which the Basques brought over from Europe, along with other delectable foods and music. This is just

something else we appreciate and that makes Nevada unique to California, Utah, Idaho, or Arizona. This drink specifically belongs in the Nevada archives as our state drink.

Assemblyman Oscarson:
Thank you, Assemblyman Horne, for bringing interesting legislation forward. I was wondering if there was any consideration given to making this drink without any spirits or alcohol. I was also wondering if you could explain how a Picon Punch is made.

Assemblyman Horne:
I would not recommend trying to make a Picon Punch without any spirits. That would be like finding a Basque who has never tried lamb chops. As for the ingredients, outside of jet fuel, I could not tell you what is in it. I have had a number of Picon Punches over the years and I have survived the experience. I intend to take my chances, yet again, this evening.

Assemblyman Daly:
I tried the experience once and I may try it again. I had a similar experience as you, Assemblyman Horne. I do support the amendment because, if nothing else, it will make a great Jeopardy question under the Potent Potables category.

Chairwoman Benitez-Thompson:
Just for the record, Assemblyman Horne, this is not uncommon. Other states do have a state drink. I do not know how many and I do not know what they are, but it sounds like there are other states who pay homage to their history and recognize a libation. I believe one state has Kool-Aid.

Assemblyman Horne:
I did see Kool-Aid on the list of states that have a state drink. I do not think it identified which flavor of Kool-Aid. In my neighborhood growing up, Kool-Aid was a mainstay, red being a particular favorite.

Assemblywoman Swank:
I just wanted to say, I have also had the Picon Punch and I like it. I further want to add that as the founder of the Flamingo Club in southern Nevada whose motto is "Building community one cocktail party at a time," I can say we fully support this.

Assemblyman Ellison:
I would be happy to provide everyone on this Committee with a Picon Punch.

Chairwoman Benitez-Thompson:
Thank you, Assemblyman Ellison. We have the bill and the proposed amendment. I would like to point out that for the rest of the bill, we do have new language regarding the board composition. We took language that is seen in other board compositions regarding the initial appointment of the board, staggering of terms, keeping an eye toward balancing gender and ethnicity, and taking into mind the geographical diversity of the board members. We have some structure in the bill to help the commission build their board.

I will accept a motion to amend and do pass S.B. 436 (R1) as presented in the mock-up.

> ASSEMBLYMAN ELLISON MOVED TO AMEND AND DO PASS SENATE BILL 436 (1ST REPRINT).
>
> ASSEMBLYWOMAN SWANK SECONDED THE MOTION.

Chairwoman Benitez-Thompson:
Are there any comments on the motion?

Assemblywoman Bustamante Adams:
I would like to reserve the right to change my vote on the floor.

Assemblyman Stewart:
I would like to warn the sponsor of the bill that as a cosponsor of the state insect bill, which passed and became the Vivid Dancer Damselfly, I think you will be subjected to a series of criticisms from people who do not appreciate this type of legislation. I just wanted to warn you, Assemblyman Horne, that you might be criticized for doing this. Because of my cosponsorship of the state insect, I am presently known as "The Bug Man."

Chairwoman Benitez-Thompson:
Are there any further comments? [There were none.]

> THE MOTION PASSED. (ASSEMBLYWOMAN PIERCE WAS ABSENT FOR THE VOTE.)

Chairwoman Benitez-Thompson:
I will assign the floor statement to Assemblyman Horne. We will move to Senate Bill 229.

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

Jennifer Ruedy, Committee Policy Analyst:
[Ms. Ruedy read an explanation of the bill and proposed amendment from the work session document (Exhibit D).]

There is an attached amendment, which was presented yesterday. There was a lot of compromising negotiation that took place between the two states, as we heard at the hearing yesterday. That amendment follows the work session document. Of the three amendments that are enumerated on this work session document, the first one, which changed the voting requirements, is reverting back to the language in the *Nevada Revised Statutes* prior to Senate Bill No. 271 from the 76th Session. That was something they could not agree on, so they decided to go back to the way it was prior to S.B. No. 271.

The second and third amendments on the work session documents the two states were able to agree upon, as presented in the hearing yesterday, and those two are staying.

As it states in the "Special Note" section of the work session, the regional plan update was accomplished on December 12, 2012. That was one of the conditions of S.B. No. 271 and has been met. It was challenged by the Sierra Club in federal district court on February 11, 2013.

That summarizes the amendment. After quite a bit of negotiation between the two states, section 1.9 of the amendment details what California has agreed to do. California has pending legislation, Senate Bill 630, which will also be amended according to the agreement reached by the two governors.

Chairwoman Benitez-Thompson:
This is the hearing we had yesterday. I will accept a motion to amend and do pass with the three amendments that are proposed.

> ASSEMBLYMAN DALY MOVED TO AMEND AND DO PASS SENATE BILL 229.
>
> ASSEMBLYMAN HEALEY SECONDED THE MOTION.

Chairwoman Benitez-Thompson:
Are there any comments on the motion? [There were none.]

> THE MOTION PASSED. (ASSEMBLYWOMAN PIERCE WAS ABSENT FOR THE VOTE.)

Chairwoman Benitez-Thompson:
I will assign the floor statement to Assemblyman Bobzien. We will move to Senate Bill 20 (1st Reprint).

Senate Bill 20 (1st Reprint): Revises provisions governing the submission of certain publications to the State Publications Distribution Center. (BDR 33-305)

Jennifer Ruedy, Committee Policy Analyst:
[Ms. Ruedy read an explanation of the bill and proposed amendment from the work session document (Exhibit E).]

Section 3, subsection 1 of the mock-up states, ". . . every state agency shall, upon release of each of its publications, provide the Center with an electronic version of the publication. If a publication is available only in paper, the state agency shall deposit 10 copies of the publication with the Center." Section 3, subsection 2 states the local government shall deposit six copies of the publication with the Center. It was changed somewhat.

Chairwoman Benitez-Thompson:
The amendment was to address concerns that certain Committee members had. The discussion was part of the hearing. You have the mock-up in front of you. I will accept a motion to amend and do pass.

> ASSEMBLYWOMAN NEAL MOVED TO AMEND AND DO PASS SENATE BILL 20 (1ST REPRINT).
>
> ASSEMBLYWOMAN BUSTAMANTE ADAMS SECONDED THE MOTION.

Chairwoman Benitez-Thompson:
Are there any comments on the motion? [There were none.]

> THE MOTION PASSED. (ASSEMBLYWOMAN PIERCE WAS ABSENT FOR THE VOTE.)

Chairwoman Benitez-Thompson:
I will assign the floor statement to Assemblyman Healey. We will move to Senate Bill 25 (1st Reprint).

Senate Bill 25 (1st Reprint): Makes various changes relating to technological crimes. (BDR 18-220)

Jennifer Ruedy, Committee Policy Analyst:
[Ms. Ruedy read an explanation of the bill and proposed amendment from the work session document (Exhibit F).]

Chairwoman Benitez-Thompson:
Before us we have the mock-up and the amendment with the technical change to reference the correct statutes. I will accept a motion to amend and do pass.

> ASSEMBLYMAN DALY MOVED TO AMEND AND DO PASS SENATE BILL 25 (1ST REPRINT).
>
> ASSEMBLYWOMAN NEAL SECONDED THE MOTION.

Chairwoman Benitez-Thompson:
Are there any questions on the motion?

Assemblywoman Bustamante Adams:
During the hearing on S.B. 25 (R1) I disclosed that as of last month I am the vice chairwoman of this advisory board. I would like to put that on the record again for clarification.

> THE MOTION PASSED. (ASSEMBLYWOMAN PIERCE WAS ABSENT FOR THE VOTE.)

Chairwoman Benitez-Thompson:
I will assign the floor statement to Assemblyman Oscarson. We will move to Senate Bill 39.

Senate Bill 39: Revises provisions governing the Nevada Commission on Homeland Security. (BDR 19-342)

Jennifer Ruedy, Committee Policy Analyst:
[Ms. Ruedy read an explanation of the bill and proposed amendment from the work session document (Exhibit G).]

In response to concerns raised by the Committee at the hearing on April 4, 2013, there is a mock-up. The attached mock-up makes one change, requiring the committees to get prior approval from the commission before holding closed sessions.

Chairwoman Benitez-Thompson:
The amendment came from discussions during the hearing. There was some conversation about whether or not the subcommittee could just deem their

meeting to be confidential. The thinking was it would be good public policy to have the larger board involved in that conversation. We have the amendment before us. I will accept a motion to amend and do pass.

> ASSEMBLYWOMAN NEAL MOVED TO AMEND AND DO PASS SENATE BILL 39.
>
> ASSEMBLYWOMAN BUSTAMANTE ADAMS SECONDED THE MOTION.

Chairwoman Benitez-Thompson:
Are there any comments on the motion?

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

> THE MOTION PASSED. (ASSEMBLYWOMAN PIERCE WAS ABSENT FOR THE VOTE.)

Chairwoman Benitez-Thompson:
I will assign the floor statement to Assemblyman Daly. We will move to Senate Bill 272 (1st Reprint).

Senate Bill 272 (1st Reprint): Provides for the revision of the boundary line between Storey County and Washoe County. (BDR 20-840)

Jennifer Ruedy, Committee Policy Analyst:
I should point out that there were three sponsors to this bill, Senator Kieckhefer, Assemblyman Wheeler, and Assemblyman Livermore.

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

There is a fiscal note on this bill from Washoe County. It looks like Storey County did not provide a fiscal note, but the Storey County Commissioner did testify in support of the bill.

Chairwoman Benitez-Thompson:
What is important to note is there were no amendments provided, but I would like to make it clear for the legislative record that there is a use it or lose it provision in the bill. This is not open-ended for the counties to be moving their boundary lines. The portion of the boundary line that is to be contemplated is

spelled out by degrees in the actual language of this bill. There has to be an agreement between the two counties by 2015.

I will accept a motion to do pass.

> ASSEMBLYMAN ELLISON MOVED TO DO PASS SENATE BILL 272 (1ST REPRINT)
>
> ASSEMBLYMAN STEWART SECONDED THE MOTION.

Chairwoman Benitez-Thompson:
Are there any comments on the motion?

Assemblywoman Bustamante Adams:
During the hearing, I know this bill really brought some concerns to me and for me, as well. I appreciate Mr. Gordon clarifying the question that the Vice Chairwoman asked about the costs. It honestly still scares me because I know when the county loses money, the school districts also lose money. I am not sure why Washoe County did not submit what their loss would be. However, I know that it is permissive and the entities need to make sure that it works for both counties and that there is a provision for them to be able to come into agreement.

With that, I will support the bill, but I am really concerned about the economic impact for Washoe and Storey Counties.

Chairwoman Benitez-Thompson:
For clarification of the legislative record, it was part of off-line conversations I had. The understanding is that the agreement between the two counties is going to include some type of potential revenue sharing. I do not think either board of commissioners has the intention of moving forward without that piece in place. That could be a sticking point but, once again, they have a limited amount of time to hammer out those details.

Assemblywoman Neal:
I did some research into the background of this. What I understood is that the Tahoe-Reno Industrial Center wants to use the infrastructure for water treatment, delivery, and sewer for its industrial park in Washoe County. They were allegedly told by Washoe County officials that it would be easier to change the Washoe County line to include the Storey County line and land infrastructure than it would be to get Washoe County to approve a development in Washoe County served by services from the other county. It would be better

to move this county line instead of the developer spending another $11 million to duplicate infrastructure right across the river.

I am still on pause on this bill because I know it is not special legislation, but I feel that it is. I am going to vote no.

Assemblyman Ellison:
The way I understand it, the bill is going to allow the groups to sit down and be able to talk and negotiate and then come back to this body. There is going to be no authorization to do anything at this point in time other than negotiate.

Chairwoman Benitez-Thompson:
According to Mr. Penrose, it does not come back to this body; it is by resolution of each county.

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

> THE MOTION PASSED. (ASSEMBLYWOMAN NEAL VOTED NO. ASSEMBLYWOMAN PIERCE WAS ABSENT FOR THE VOTE.)

Chairwoman Benitez-Thompson:
I will assign the floor statement to Assemblyman Livermore. We will move to Senate Bill 284 (1st Reprint).

Senate Bill 284 (1st Reprint): Makes various changes concerning investigations of motor vehicle accidents. (BDR 23-107)

Jennifer Ruedy, Committee Policy Analyst:
[Ms. Ruedy read an explanation of the bill from the work session document (Exhibit I).]

There were some fiscal notes that appeared to have zero impact except for one $1,000 fiscal note from Washoe County for a transcriber.

Chairwoman Benitez-Thompson:
I will accept a motion to do pass.

> ASSEMBLYMAN ELLISON MOVED TO DO PASS SENATE BILL 284 (1ST REPRINT).
>
> ASSEMBLYWOMAN NEAL SECONDED THE MOTION.

Chairwoman Benitez-Thompson:
Are there any comments on the motion? [There were none.]

> THE MOTION PASSED. (ASSEMBLYWOMAN PIERCE WAS ABSENT FOR THE VOTE.)

Chairwoman Benitez-Thompson:
I will assign the floor statement to Assemblyman Stewart.

We will reconvene tomorrow morning at 9 a.m. with our last work session. Those documents will be posted at some point today and you will receive an email once they are posted.

Is there any public comment? [There was none.]

This hearing of the Assembly Committee on Government Affairs is adjourned [at 9:47 a.m.].

RESPECTFULLY SUBMITTED:

_____
Lori McCleary
Committee Secretary

APPROVED BY:

_____
Assemblywoman Teresa Benitez-Thompson, Chairwoman

DATE: _____

EXHIBITS

Committee Name: Committee on Government Affairs

Date: May 16, 2013 **Time of Meeting: 9:10 a.m.**

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 436 (R1)	C	Jennifer Ruedy, Committee Policy Analyst	Work session document
S.B. 229	D	Jennifer Ruedy	Work session document
S.B. 20 (R1)	E	Jennifer Ruedy	Work session document
S.B. 25	F	Jennifer Ruedy	Work session document
S.B. 39	G	Jennifer Ruedy	Work session document
S.B. 272 (R1)	H	Jennifer Ruedy	Work session document
S.B. 284 (R1)	I	Jennifer Ruedy	Work session document