

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

**Seventy-Seventh Session
May 29, 2013**

The Committee on Government Affairs was called to order by Chairwoman Teresa Benitez-Thompson at 10:05 a.m. on Wednesday, May 29, 2013, in Room 3143 of the Legislative Building, 401 S. Carson St., Carson City, NV. 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
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 Dina Neal, Vice Chairwoman
Assemblywoman Peggy Pierce

GUEST LEGISLATORS PRESENT:

Senator Justin C. Jones, Clark County Senatorial District No. 9

Minutes ID: 1316



STAFF MEMBERS PRESENT:

Jennifer Ruedy, Committee Policy Analyst
Jim Penrose, Committee Counsel
Bonnie Hoffeecker, Committee Manager
Jennifer Dalton, Committee Secretary
Cheryl Williams, Committee Assistant

OTHERS PRESENT:

Rick Martin, Program Manager, Division of Emergency Management,
Department of Public Safety
Nicole Rourke, representing Clark County School District

Chairwoman Benitez-Thompson:

[Roll was taken and meeting protocol was reviewed.] We will have a work session, and we have those documents in front of us. We will start with Senate Bill 44 (1st Reprint). We will let our policy analyst Jennifer Ruedy walk us through this. I do want to make sure that you see a correction to how we drafted the amendment. In section 4 you will see a lot of purple language. In that section, we are striking subsection 5, which is "Any project to prevent or reduce the likelihood of damage to property or injury to persons." When you see the amendment come out of section 4, subsections 1 through 4, all of that granting language will stay there and be intact. You will just see subsection 5 as the provision that we are removing. Will that, I will let our policy analyst walk through the rest of the bill.

Senate Bill 44 (1st Reprint): Revises provisions relating to allocations from the Disaster Relief Account. (BDR 31-341)

Jennifer Ruedy, Committee Policy Analyst:

Senate Bill 44 (1st reprint) revises various provisions concerning grants or loans from the Disaster Relief Account (DRA). Specifically, the bill removes the requirement that a federal agency making a grant to the State DRA must be a disaster assistance agency. That was something about which the Committee had asked for clarification, and some of the examples given were the Small Business Administration or the U.S. Department of Fish and Wildlife may also provide assistance now that it is not limited to a disaster assistance agency. [Ms. Ruedy continued to read from work session document ([Exhibit C](#)).] As the Chairwoman mentioned earlier, that is the provision in the mock-up that is being considered for deletion.

[Ms. Ruedy continued to read from work session document ([Exhibit C](#)).]

This bill has already been through the Senate Committee on Government Affairs and was rereferred to the Senate Committee on Finance. It was amended once in the Senate Committee on Finance, and it looked like that was at the request of staff to include the Fiscal Analysis Division in reporting the several provisions that include Fiscal Analysis Division now and also the language on the top of page 6 of the mock-up that specifies whether the request is a grant or a loan. That was also in the small amendment from the Senate Committee on Finance. There are no fiscal notes on this bill, so I was a little curious as to why it went to Finance, but I understand that was because it expands the use of the Disaster Relief Account as drafted, which is funded from transfers from the rainy day fund, which is from transfers from the State General Fund. That is why, even though it does not have a fiscal note, it went to the Senate Committee on Finance.

The Chairwoman has already gone over the mock-up. On page 3 of the mock-up, it is only deleting the language: "Any project to prevent or reduce the likelihood of damage to property or injury to persons resulting from a similar disaster in the future." It would retain all the language you see in section 4, but it is deleting the new language that gets somewhat confusing.

Chairwoman Benitez-Thompson:

I will accept a motion to amend and do pass with section 4, subsection 5 removed and section 5, subsection 1, paragraph (d) removed.

ASSEMBLYMAN ANDERSON MOVED TO AMEND AND DO PASS
SENATE BILL 44 (1ST REPRINT).

ASSEMBLYMAN HEALEY SECONDED THE MOTION.

Chairwoman Benitez-Thompson:

Are there any questions on the motion?

Assemblyman Ellison:

On page 2 of the mock-up, section 3, subsection 5 says, "the Governor declares a disaster." Was there a reason that was deleted?

Chairwoman Benitez-Thompson:

We did discuss that during the hearing. Perhaps the bill sponsors would like to come forward and clarify for the legislative record.

Rick Martin, Program Manager, Division of Emergency Management, Department of Public Safety:

It is actually in *Nevada Revised Statutes* (NRS) 353.2754 where it states that the governing body of the local jurisdiction determines the event in their local area. It states that the division conducts an assessment, and provides that information to the Governor as well. So, the local jurisdiction can determine an event that will allow them eligibility to come to the Disaster Relief Account. It is not just a Governor's declaration or a state declaration. Again, that is in NRS 353.2754, and it says the local government may request a grant or loan from the account if, pursuant to NRS 414.090, the governing body of the local government determines that the event which has occurred constitutes a disaster and the division conducts an assessment, agrees with the assessment, and provides that to the Governor's Office.

Chairwoman Benitez-Thompson:

Our legal counsel has some comments for the record as well.

Jim Penrose, Committee Counsel:

That language was deleted because the requirement that a disaster be declared was moved to NRS 353.2755, which appears at page 5 of the bill, in section 9. It is the declaration of the disaster by the Governor or by the governing body of a local government that triggers the time for a filing of the notice of intent to seek a loan or a grant from the Disaster Relief Account.

Chairwoman Benitez-Thompson:

Nevada Revised Statutes 353.2755 is in section 3, subsection 5 on page 2. Assemblyman Ellison, you will see it referenced there.

Are there any additional questions? Seeing none, I have a motion and a second. I will take a vote.

THE MOTION PASSED. (ASSEMBLYWOMEN NEAL AND PIERCE
WERE ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Woodbury. We will move to Senate Bill 142 (2nd Reprint).

Senate Bill 142 (2nd Reprint): Makes various changes to provisions governing local government contracting. (BDR 27-676)

Jennifer Ruedy, Committee Policy Analyst:

[Ms. Ruedy read from work session document ([Exhibit D](#)).]

The bill also authorizes the Office of Energy to provide local governments with support relating to operating cost-savings measures and to charge and collect a fee for providing such support. That authority was part of the amendment that came out of the Senate Committee on Finance. I believe we heard testimony in the Committee hearing that the fiscal note from the Office of Energy was removed because of that amendment. [Ms. Ruedy continued to read from the work session document ([Exhibit D](#)).]

Chairwoman Benitez-Thompson:

I will accept a motion to do pass.

ASSEMBLYMAN HEALEY MOVED TO DO PASS SENATE BILL 142
(2ND REPRINT).

ASSEMBLYMAN OSCARSON SECONDED THE MOTION.

Chairwoman Benitez-Thompson:

Are there any questions or comments on the motion?

Assemblywoman Bustamante Adams:

I would like some clarification regarding the preparation regarding the annual report. In the bill, there was no reference stating who the report would be given to.

Senator Justin C. Jones, Clark County Senatorial District No. 9:

The intent is that the report would be presented to the school board at one of its regularly scheduled meetings, and would, therefore, be entered into the minutes of the meeting. For those districts that do have websites, it would go up on their website in the ordinary course of recording the minutes. There are some smaller districts that do not have the same resources as Clark County and Washoe County, so it would be something that would be available to the public if they were to ask for it.

Assemblywoman Bustamante Adams:

Is there a trigger mechanism dictating when the report would be due? For example, at the beginning of the fiscal year. Is there a component to that or is that still to be defined?

Senator Jones:

I do not have a specific trigger date in there. I think it would be left to the school districts. If that were something that you think would be worthwhile, we can certainly put that in there.

Chairwoman Benitez-Thompson:

I see Ms. Rourke nodding her head in response to all the reporting information. A head nod is good enough for me at this point.

Assemblyman Ellison:

We talked about this in great detail in the Committee hearing. Each school district is going to be different. Each school district is going to do their own reporting. Are they going to put the costs of what is going to occur into each budget each year? Is that how they are going to address this because there is no funding for this? As they are going through and they are doing the energy process—like caulking the windows and doors—do they put that in their general fund budget every year? Is that how they are going to do this?

Senator Jones:

I think we are talking about two different things here. One is the reporting itself as opposed to the work. With regard to the reporting, I do not know that there is going to be a need to put it in their general fund, but perhaps Ms. Rourke can comment on that. I am not sure we went through that level of detail.

Nicole Rourke, representing Clark County School District:

We fund projects in a variety of ways. The point of the performance contracting is to look at a school or several schools that have a variety of needs that work for a performance contract. That contract pays for it up front through the energy savings. Then we pay the company back as that savings is realized over the time period.

Chairwoman Benitez-Thompson:

Are there any additional questions? [There were none.] I have a motion and a second. I will take a vote.

THE MOTION PASSED. (ASSEMBLYWOMEN NEAL AND PIERCE
WERE ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblyman Anderson, who is a sponsor on the bill. Is there any public comment? [There was none.] Before we adjourn, the Committee and I would like to wish Assemblyman Oscarson happy birthday. This meeting is adjourned [at 10:22 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 29, 2013

Time of Meeting: 10:05 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 44 (R1)	C	Jennifer Ruedy, Committee Policy Analyst	Work Session Document
S.B. 142 (R2)	D	Jennifer Ruedy, Committee Policy Analyst	Work Session Document