

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

**Seventy-Seventh Session  
March 26, 2013**

The Committee on Government Affairs was called to order by Chairwoman Teresa Benitez-Thompson at 8:06 a.m. on Tuesday, March 26, 2013, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), 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](http://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](mailto: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  
Assemblywoman Peggy Pierce  
Assemblyman Lynn D. Stewart  
Assemblywoman Heidi Swank  
Assemblywoman Melissa Woodbury

**COMMITTEE MEMBERS ABSENT:**

None



**GUEST LEGISLATORS PRESENT:**

Assemblyman Paul Anderson, Clark County Assembly District No. 13

**STAFF MEMBERS PRESENT:**

Jennifer Ruedy, Committee Policy Analyst  
Jim Penrose, Committee Counsel  
John Budden, Committee Secretary  
Cheryl Williams, Committee Assistant

**OTHERS PRESENT:**

Caleb S. Cage, Captain, U.S. Army; Executive Director, Office of Veterans' Services  
Douglas Grassi, Private Citizen, Las Vegas, Nevada  
Jim Eckes, President, Elite Service-Disabled Veteran-Owned Businesses Network, Nevada Chapter  
Johnny Flanagan, Private Citizen, Las Vegas, Nevada  
Dennis Johnson, Private Citizen, Carson City, Nevada  
John Madole, representing Associated General Contractors, Nevada Chapter  
Gus Nuñez, P.E., Administrator, State Public Works Division, Department of Administration  
Tina M. Leiss, Operations Officer, Nevada Public Employees' Retirement System

**Chairwoman Benitez Thompson:**

[Roll was taken. Housekeeping matters were explained.] Today we are going to be hearing three different bills. We have Assembly Bill 266, Assembly Bill 291, and Assembly Bill 364.

I have multiple Committee members who have bill hearings in other committees, so you will see some Committee members getting up and down and we will be mindful of keeping a quorum today with all the traffic. We will go ahead and welcome Assemblyman Livermore to the witness table. We will give him a second to get set up, and I will open up the hearing on Assembly Bill 266.

**Assembly Bill 266:** Revises provisions relating to veterans. (BDR 37-527)

**Assemblyman Pete Livermore, Assembly District No. 40:**

I am here to present Assembly Bill 266. The bill defines "veteran" for the purposes of establishing entitlements and certain privileges and benefits related

to military service. This is a short bill, and it brings into Nevada's law what the U.S. Department of Veterans Affairs (VA) uses to define the word "veteran." If you will allow me to, I would like to turn it over to Caleb Cage who is the Director of Veterans' Services for the Governor.

**Caleb S. Cage, Captain, U.S. Army; Executive Director, Office of Veterans' Services:**

It is a pleasure to be here in front of your Committee regarding A.B. 266 this time. Thank you for that introduction, Assemblyman Livermore. This is a pretty straightforward bill, and I just have a few remarks on it.

What this would do is establish a definition of a veteran within Chapter 417 of the *Nevada Revised Statutes* (NRS), specifically within NRS Chapter 417, and not to expand to other chapters, as well. Creating the definition of a veteran, as it is laid out in this amendment that I believe you have seen here, has become a national best practice, and one that we have been attempting to do for some time. In 2007, Assembly Bill No. 486 of the 74th Legislative Session, which was 60 or 70 pages long, attempted to change the definition of a veteran in every chapter of NRS. We believe that is the reason that bill was defeated; there were too many angles on it. Therefore, we wanted to bring a bill that would simply address this within our own chapter.

What this does is it brings us in line with the federal definition of a veteran. As I said, it also matches a national best practice around the country. It does not change the definition of "veteran" as it pertains to things like tax benefits and other things, which I know some of you have some bills on as well. What it really does is allow us to establish a coherent definition of a "veteran" for future procedures or bills that are passed. This definition may be referenced if it is appropriate.

Also, it broadens the definition of a veteran to include National Guard members and members of the Reserves who have not been activated, but served over six years. In peacetime that is more difficult than in the last ten years of wartime that we have had. In the last ten years, it is more difficult to find members of the Guard and Reserves who have not been activated, but we believe this bill would establish that for peacetime.

I am open to any questions that I might be able to answer on that.

**Assemblywoman Bustamante Adams:**

I just want to make sure that we have it on the record that this would not negatively impact the stuff that we already have in legislation. Is that correct?

**Caleb Cage:**

By negatively impact, I assume you mean fiscally to the other bills and statutes already in place. No, actually the Nevada Office of Veterans' Services statute, Chapter 417, is already inclusive of service members and veterans, including survivors, spouses, and family members. We are responsible for all of that. What this does is bring us in line with other states in the Mountain West and Southwest that have done this as well.

Also, it would allow us to build future opportunities around this definition, such as: the veteran's indicator on a driver's license. The Department of Motor Vehicles (DMV) could use this definition, and we could establish this as a definition moving forward, but nothing retroactively.

**Assemblyman Elliot Anderson:**

I just wanted to say for the record that I do support this legislation. I was looking through Chapter 417, and did a few "control+F" searches through the NRS on my computer, and there really is not anything that it would technically change. What I think this would allow is to have all veterans' legislation have something to cite back to as a standard definition, and one that does work with the federal government. I had personally heard of issues at the DMV. For example, because of a different definition of how the DMV applied the term "veteran," it was leading to some confusion.

So, I think creating a standardized definition is a good thing. I think Caleb hit it right on the head that we can change the definition in different chapters as needed. We do not need to try to do it all now, all at once. I think that would kill this thing under its own weight. I think doing this for the future, as a veterans' advocate, if we have a problem, now we have something clear we can come back to and say this is what happened, this is what the problem is, and this is how we fix it by citing this definition. I am in support of this legislation. I just wanted to state that for the record.

**Chairwoman Benitez-Thompson:**

Thank you. Just for clarification, you said that this impacts the scope of who is defined as a veteran a little bit by adding in the Guard and the Reserves. Is that right? Could you go over how that scope is defined? I think you said six years of continuous service.

**Caleb Cage:**

Yes. In response to your question, in section 1, subsection 1, subparagraph (b), ([Exhibit C](#)) says, "National Guard or a reserve component of the Armed Forces of the United States and was accepted for and assigned to duty for a minimum of 6 continuous years. . . ." Currently, if the individual is not activated under

Title 32 orders, then they do not receive a DD Form 214 "Certificate of Release or Discharge from Active Duty" (DD 214), which is your discharge paperwork for the Department of Veterans Affairs. It is your paperwork saying you are no longer under Department of Defense (DOD), you are now under VA. If you served honorably for six years and were never activated for service—whether that would be for something like Hurricane Katrina, or service in, I cannot remember what we are calling it now, but the Global War on Terrorism, Operation New Dawn-type operations—then you would not be recognized as a veteran in statute; so, this extends that.

**Chairwoman Benitez-Thompson:**

Just for clarification, six years' continuous service and activated at some point. Or, no, not having to be activated, right?

**Caleb Cage:**

Not having been activated. If you were activated for even a small amount of time, you would receive a DD 214 and would be eligible for VA benefits at that point.

**Assemblyman Stewart:**

I, too, would like to go on the record supporting this bill. I think it is important that you have included the National Guard. We have seen in the past few days that the training exercises can be very dangerous, and I think it is important that the Guard people go through training on a regular basis, and are there if needed. If they have not been needed, that is not their fault. So, I am very appreciative of the fact that they are included. Thank you.

**Assemblyman Daly:**

What is the Commissioned Corps of the United States Public Health Service? What is the Commissioned Corps of the National Oceanic and Atmospheric Administration? How long must they have served? What branch of the military are they in? I have never heard of it before. If we are talking about a National Guard person, we all understand that. They do their stuff, and they have got to do six years, and we are having a discussion over the National Guard who we do understand has been activated a lot. So, who are these others? Do they get the DD 214? I understand the National Guard, but I do not know who the rest are, so if you could enlighten me.

**Caleb Cage:**

This is a great question, and it is one that leaves many of us in our own field scratching our heads. The fact of the matter is, these organizations, the National Oceanic and Atmospheric Administration and the Public Health Service actually do fall under VA benefits. We currently can inter them at our

veterans' memorial cemeteries. They are defined under VA federal law as being covered. It is not military service in the traditional sense. For instance, the Surgeon General of the United States wears a military uniform sometimes. Sometimes he or she chooses not to. I believe it is the equivalent of a rank of a four-star admiral and that sort of thing, so it is an equivalency that is recognized by the federal government and we want to reflect that in state statute as well. That is standard.

We pulled this language from other state bills around the country and matched it against federal, and as I said, we currently recognize that service because it is a federal recognition. If somebody served in one of these services, they would be commissioned into that service like you would be commissioned or noncommissioned into the military, and then be eligible for things like interment at the cemeteries, or other such VA benefits as well. So, it is not like typical Guard service, which is citizen-soldier type service—weekends, training during the summer, and then activated for duty. It is ongoing and commissioned into federal service.

**Assemblyman Daly:**

You mentioned the Surgeon General. So, what do they do? Who do they serve? They are commissioned into service to do what? Do they go out and study the ocean? Are they nurses and doctors, or what?

**Caleb Cage:**

I can follow up with you and give you a breakdown of what their organizations actually do, but the Surgeon General of the United States is, to my knowledge, the head of the United States Public Health Service, and he or she has a staff that fulfills those roles as well. I could certainly follow up with more information on what their duty descriptions are, and what their organizational structures are if that would be desired.

**Assemblyman Healey:**

Assemblyman Livermore, thank you very much for bringing this forward. Mr. Cage, thank you for testifying. I would also like to be on the record for supporting this bill. Assemblywoman Bustamante Adams and I had the honor of speaking at the National Guard dinner last Friday night. We talked about some of these bills that were particularly important to the National Guard in making sure they are included, as they have been, particularly over the last decade, very much active and very much a part of defending our country and making sure that our liberties and freedoms are fought for and protected. So, I am very honored that they will be included as well. Thank you for bringing this forward.

**Assemblyman Oscarson:**

I, too, would like to thank Assemblyman Livermore for bringing this forward. As a father of somebody in the National Guard, including them in this definition is good for Nevada and good for the National Guard people in Nevada, so thank you.

**Assemblyman Elliot Anderson:**

I just wanted to point out that when you look at paragraph (c) ([Exhibit C](#)) with the Commissioned Corps and the National Oceanic and Atmospheric Administration, there is also a requirement that you had "served in the capacity of commissioned officer while on active duty in defense of the United States."

So, it is not just you are in a lab studying something somewhere. You actually have to be mobilized in support of operations. For example, United States Public Health Service will respond to disasters along with the military; it is one of their roles. I just wanted to point that out. That this is not saying you were in a lab somewhere and so we are going to give you veterans' benefits. This is if you had mobilized in support of operations as well.

**Chairwoman Benitez-Thompson:**

Are there additional questions from Committee members? [There were none.] Assemblyman Livermore, I was wondering if you could speak to your amendment that you have on the bill.

**Assemblyman Livermore:**

Yes, ma'am. As everybody here knows, in the final days that all the bills came flowing out, I could have sent this back for a redraft, but as we went through the Assembly and others for support of this bill, it became evident that "citizen of the United States" was not appropriate to be included in it. We went back and checked with the VA and they agreed with the amendment, and so the mock-up amendment removes line five from the original bill ([Exhibit C](#)). It strikes out "citizen of the United States." As we all know, there are a lot of people who serve in the military who are not citizens. For their period of service, they are entitled, once they are discharged, to veterans' benefits. I wish not to exclude anyone.

**Chairwoman Benitez-Thompson:**

Are there questions on that? [There were none.] Thank you for your testimony. Seeing no more questions, I will go ahead and open up for testimony in support. We will start here in Carson City. No one for the record? [There was no one.] In Clark County? Seeing none, we will move into testimony in opposition. Does anyone wish to put comments on the record? [There was no one.]

All right, we will go down to Clark County. Good morning. Just state your name for the record before you make your comments.

**Douglas Grassi, Private Citizen, Las Vegas, Nevada**

I am only going to testify because I can help answer some of the questions about the Public Health Service because that was the branch in which I served. There are seven uniformed branches of the service, five of which are considered armed forces. Then the Public Health Service and National Oceanic and Atmospheric Administration are uniformed services that are not necessarily considered armed forces. However, we are on active duty.

When I was on active duty, I had an active duty green card. I was subject to all the rules of the Geneva Conventions. There are a lot of different responsibilities fulfilled by the Public Health Service, but it is legitimately a uniformed service. I am entitled to veterans' benefits. I suffered an injury while on duty; I have a disability rating from the VA. So, maybe that can help clarify why the Public Health Service is included. Are there any questions?

**Chairwoman Benitez-Thompson:**

Thank you. Are there any questions from Committee members? I see none. Thank you for that. We will go ahead and put that testimony in support. Is there any testimony in opposition? Seeing none, we will move to neutral. Are there any comments for the record in neutral? Seeing none, we will go ahead and invite the bill sponsor, Mr. Cage, up for any closing comments.

Just to clarify for the record, it looks like with you keeping the definition just in NRS Chapter 417, it only impacts veterans' cemeteries and Veterans Guest House and homes in terms of access to services that are provided. Is that right?

**Caleb Cage:**

Actually, those eligibility requirements are established by the federal government because they are granted through the federal VA.

**Chairwoman Benitez-Thompson:**

It would just codify their eligibility that is already in fed.

**Caleb Cage:**

This would codify what is already there, and then allow us, mainly through the Veterans Service Officers program, and our other outreach efforts, to address the broader needs as well.



**Chairwoman Benitez-Thompson:**

Do you have any closing comments, Assemblyman Livermore?

**Assemblyman Livermore:**

I would like to thank you for allowing us to present this bill. I would like to thank the Government Affairs Committee for their thoughts and comments on this bill, and I will look forward to the work session when we can pass this down to the Assembly floor. Thank you very much for hearing this bill this morning.

**Chairwoman Benitez-Thompson:**

Real quickly, we have one more question from Assemblyman Ellison.

**Assemblyman Ellison:**

Madam Chair, I just cannot see us letting my colleague off so easy.

**Chairwoman Benitez-Thompson:**

Now you want to give him a hard time? Okay, go ahead.

**Assemblyman Ellison:**

Thank you. It is a good bill.

**Chairwoman Benitez-Thompson:**

Thank you so much. I will go ahead and close this hearing on A.B. 266. [Written testimony was supplied in support by JD Escobar ([Exhibit D](#)).]

We will open the hearing on Assembly Bill 291. We will welcome Assemblyman Stewart to the witness table and give him a second to get set up.

**Assembly Bill 291:** Revises provisions relating to preferences in state purchasing for businesses owned by a veteran with a service-connected disability. (BDR 27-592)

**Assemblyman Lynn D. Stewart, Clark County Assembly District No. 22:**

Thank you, Madam Chair, and my compassionate colleagues on the Government Affairs Committee. I am here to present Assembly Bill 291. First of all, I would like to acknowledge my fellow veterans behind me for their service and their support of this and other veterans' legislation. I would like to introduce very briefly the bill and then I will turn it over to some of the experts. I would like to invite Mr. Cage to come forward. In Las Vegas, we have Jim Eckes, who is a veterans' advocate, and president of a veterans' organization for Nevada.

Assembly Bill 291 presents a bidders' preference of 5 percent for veterans who have service-related disabilities. As a veteran who served and was lucky and blessed enough not to have a service-related disability, I have great empathy for those who do. With that introduction, and with your permission, Madam Chair, I would like to call upon Jim Eckes in Las Vegas to come forward, and Caleb Cage here, to come forward and present the nuts and bolts of this bill.

**Chairwoman Benitez-Thompson:**

Thank you so much. Welcome, Mr. Eckes, down in Clark County. Welcome again, Mr. Cage, up here in Carson City. However, you would like to proceed, just go ahead and state your name for the record.

**Caleb S. Cage, Captain, U.S. Army; Executive Director, Office of Veterans' Services:**

It is a pleasure to be here in front of you again on A.B. 291. To give you some of the background of our involvement in this, this bill is one that we have a nexus to through *Nevada Revised Statutes* (NRS) Chapter 417. Chapter 417 of NRS requires that we interact with the Purchasing Division and the State Public Works Board through NRS Chapter 333, and NRS Chapter 338, in order to look at their reports of service-connected, disabled veteran-owned businesses that have applied for the existing veterans' exemption: the 5 percent under \$100,000 for service-connected, disabled veteran-owned businesses.

We are to work with the veteran community throughout the year, as well as the business community to develop suggestions in a report that is to be sent off around October 1, I believe, of each year to the Legislative Commission. So we have done that. We have worked with Mr. Eckes and his organization in order to find improvements, which again, are required by statute for us to do.

This really came into our realm when we held the Veterans Legislative Summit over the last two years, and Mr. Eckes and his organization have really carried it forward and provided the language. The bill does require that we work with the Office of Economic Development in order to expand and make sure that people know that the benefit is out there. That really is our role in all of this, so Mr. Eckes, if I can defer to you at this time and have you discuss the bill.

**Jim Eckes, President, Elite Service-Disabled Veteran-Owned Businesses Network, Nevada Chapter:**

Thank you, Caleb. The Elite Service-Disabled Veteran-Owned Businesses Network is a national non-profit 501(c)(19) organization with a goal of helping other veterans help themselves. In the past 10 years, we have helped draft in excess of 20 bills throughout the country to support our mission. Our mission is to assist service-disabled veterans by successfully helping them establish their

own business and to network with our members to procure business contracts with local, state, and government agencies. [Read from prepared testimony ([Exhibit E](#)).]

**Chairwoman Benitez-Thompson:**

Thank you, Mr. Eckes. I will go ahead and take questions from Committee members now.

**Assemblyman Ellison:**

Last night I got to take a few minutes and meet with the sponsor of A.B. 291 and listen to some of the comments. There was a lot of hard work, and a lot of dedication that went into the drafting of A.B. 291 and what it represents. I know that Mr. Stewart said he would probably be doing a small amendment, but I can tell you, this bill will get diversification of people out on the job. Of course, I think it is a great bill. I know that you are talking amendment; maybe it will come back. Assemblyman Stewart, you did a good job and I thank you for bringing this bill forward.

**Assemblyman Daly:**

Anyone can answer, but I just wanted to get a little clarification on a statement from the testimony from southern Nevada. Do not get me wrong—everybody supports veterans, their service to the country and all that stuff, and we want to support them. They get lots of benefits, I understand. But when he said that we want to have these businesses, and they have a nonprofit organization helping them have a fighting chance to get some of these jobs; a fighting chance against other Nevadans trying to make a living in the state?

What evidence is there that veterans have been discriminated against? What evidence is there that they are a protected class, that there has been a history of discrimination, that puts them on a higher level than every other citizen in the state trying to make a living and do their job? I have not seen any evidence of discrimination. I have not heard of any. I am not trying to be disparaging toward veterans, but, how far do you climb this tree and take away from someone else trying to make a living as well?

**Assemblyman Stewart:**

Thank you, Assemblyman Daly. I do not think there has been any discrimination against veterans. I think those who have served their country, and in the course of that service have received a disability, a service-related disability, because of that time that they were away from their family and homes and for putting forth the effort to serve their country, I think they deserve that slight advantage.

I have met with some of the construction people who have the same concerns that you do, and I am willing to meet with them and perhaps make some modifications on this. However, I think they deserve that extra leg up because of the service that they have rendered to their country, and because of the disability, which in most cases will be with them for the rest of their lives. I think they deserve that little extra consideration. Thank you.

**Jim Eckes:**

If I might, part of what I brought to light is that veterans consist of all of the people in Nevada and it is not taking away from businesses in Nevada, it is actually helping businesses in Nevada. Thank you.

**Assemblyman Daly:**

I guess it is a matter of semantics, then. If you want to have a circular argument, that is fine; the other businesses in Nevada, and all that stuff, and we can go from there. I know Mr. Cage said that this follows, or mirrors federal programs, statutes, or whatever. I do know on the federal program that if you are on a federal job you are not required to have a contractor's license, that they set thresholds and limits, and more to what we already have in statute. I do not know anyone other than maybe Mr. Ellison who has got a net worth of \$5 million. So, I do not know why we are helping a person who has already got \$5 million. Right?

So, some of those things need to be looked at, and there is a whole infrastructure behind the federal program: applications, you cannot do more than so many dollars volume in a year. If you are already getting contracts and various things, you are not eligible for these things. Do we have any of that? We are not setting any of that up?

I think you are just setting up a program for people, wounded veterans, great. I understand. Take advantage. I know contractors who have been contacted by disabled veterans, and they said, "Hey, I need somebody who is capable of really doing the work, but I can help you be in a position to get these other jobs away from other people." They manipulate the system by that. Not that they really bill anything, they are just looking for someone that already has, "Help me be your partner," and yes, they have to be 51 percent on paper, but there are issues and safeguards that are not in this bill that I think have to be there before we take this step.

**Assemblyman Stewart:**

Thank you, Assemblyman Daly. Again, some contractors have come to me and they have expressed some of the same concerns that you have. I am willing to meet with them perhaps to improve the bill by putting in some of these

safeguards and limits and that type of thing. So, I appreciate your concern. It is a valid concern. Thank you.

**Jim Eckes:**

Assemblyman Daly, there is a part of the bill that does address your statement about service-disabled veterans going to another contractor and saying, "I will own 51 percent on paper." It is a partnership between the Department of Veterans Services, the Governor's Office on Economic Development, and we have to make sure that does not happen. This is unlike the current bills that do not have any of that, and as far as I am aware, there are no levels in federal contracting with regard to bid preferences. I do not understand the federal levels you are talking about.

**Assemblyman Ellison:**

Madam Chair, I am in that workforce, and I see different groups coming forward all the time. To me, if there is going to be anybody that should be able to stand up and say look, if you have the right to get the 5 percent, or whatever they decide to do, it should be those who have served their country and come back with effects of all kinds. If I had a choice to pick one out of ten, this would be my number one. I can tell you, I see abuse out there, and I do not think this would be it. If you do have a committee, Mr. Stewart, I would love to serve on it. I can tell you, this is probably one of the best things we can do.

**Assemblywoman Swank:**

I have a question on section 10. I am not a medical doctor. I am the other kind of doctor; not a medical one. I am not really sure what constitutes a 5 percent service disability. If you could give me some examples, that would be really helpful.

**Caleb Cage:**

The disability rating is determined by the U.S. Department of Veterans Affairs (VA). Our Office of Veterans' Services has veterans service officers who file those claims on behalf of veterans, but that is determined by the federal VA. The percentage could be from zero percent all the way up to 100 percent. It could be anything from hearing loss, to loss of limb, and that sort of thing. So, disabilities run the whole spectrum. They are determined by the federal VA, and that is what this would be referencing.

**Jim Eckes:**

To add to what Caleb said, the VA does determine whether you are disabled from zero to 100 percent. There are almost 30 pages of disabilities classified by the VA. If you have more than one disability, each disability is added up to

come up with your disability rating. The 5 percent that is asked for in the bill is currently the federal guideline.

**Assemblywoman Swank:**

Thank you. I understand the process by which a person gets a disability rating; I am just not sure what constitutes a 5 percent disability. I am just not sure why that cut-off is there. Do you know what I mean? Are there any examples you can give me, or get back to me with?

**Caleb Cage:**

I would be happy to provide a list of what a 5 percent disability looks like. That would basically be a minimum rating for most disabilities. Of course, they can all run the range. Like I said, whether it is hearing loss, or all the way to loss of limb, or exposure to Agent Orange, and that sort of thing. I can provide that.

**Assemblywoman Bustamante Adams:**

Assemblyman Stewart, section 3, line 20, on page 2 can you explain that to me? The way that I read it, if there were a bid between two locally owned companies, the veteran would have the win. Is that how you read that?

**Assemblyman Stewart:**

As I understand it, if there is a veteran with a service-related disability and someone who did not have a service-related disability, and there was a tie in the bidding, then it would go to the person with the service-related disability.

**Assemblywoman Bustamante Adams:**

I just want to make sure, because the way that I read it, there are two local businesses. I think what you said is that it is not between two locals; it is between just another business and a local certified veteran-owned business. Right?

**Assemblyman Stewart:**

Yes, and then it goes on to say that if they were both veterans with service-related disabilities, then the tie would be broken by the one with the lowest net worth.

**Assemblywoman Bustamante Adams:**

My other question is on section 9, with your definition of "local business." I agree with Assemblyman Daly. I am in big support of local businesses in general, but I think that this is too broad, and not restrictive enough. I think that the bill is workable, but I think it is too broad. The goal is to help these emerging local veteran businesses to thrive.

At some point, do they need the assistance? Maybe not, because the goal is not to keep them dependent. Right? It is just to help them to emerge into state and public works purchasing, and then they no longer necessarily need the help. I do not know if that is the overall goal, but I just wanted to say that I think the definitions need to be tightened up, and I would really want to work with you to be able to do that so that we can make this possible.

**Assemblyman Stewart:**

Thank you. I would welcome your help on this. We are flexible, and if things need to be tightened up, we can certainly tighten them up. Thank you.

**Chairwoman Benitez-Thompson:**

Seeing no more questions, I have a couple of my own. My questions are coming from section 8. I just want to clarify for the record your intent, Assemblyman Stewart. Section 8, subsection 1 says that the business needs 51 percent ownership by a veteran with a service-connected disability. Section 8, subsection 3 says it also has to be managed day to day by a person with a service-connected disability, or that day-to-day manager could be the spouse, or caregiver of a veteran. I just wanted to clarify that you are looking for not only the 51 percent ownership, but also the daily management, and that daily management can extend to the spouse or caregiver.

**Assemblyman Stewart:**

That is correct, Madam Chair. Again, I think that relates to what Assemblyman Daly said. We are trying to make this very specific so that a company does not bring someone in just to qualify for this veterans' preference.

**Chairwoman Benitez-Thompson:**

Did you want to put anything more on the record about why you have a preference for spouse or caregiver who is in that management position versus it being veterans themselves? I just did not know if you want anything on the record about your intent or your thinking, or the groups thinking on that.

**Assemblyman Stewart:**

My thinking would be that if a veteran has a service-related disability and it worsened, maybe he starts up the company, and he is able to function. However, the injury or disability worsens and he cannot function as he would like to in the company, then he can turn that over to his spouse or the person who is assisting him.

**Jim Eckes:**

In answer to those questions, the 51 percent ownership is from the VA's guidelines for their verification process, as is the management of the day-to-day operation. These are directly from the VA's guidelines on how they verify service-disabled veteran-owned businesses. Thank you.

**Chairwoman Benitez-Thompson:**

Thank you, sir. Assemblywoman Swank, did you have a follow-up? Go ahead.

**Assemblywoman Swank:**

I had a quick question on section 16. As I read it, in subsection 1 this removes the \$100,000 cap on these contracts. I am just wondering if you can talk a little bit about that.

**Assemblyman Stewart:**

Thank you, Assemblywoman Swank. That is correct at this point. As I said, some of the contractors are concerned about that, and we are willing to work with them on that cap.

**Jim Eckes:**

The current NRS has the \$100,000 limit. Within the past two years, there has been only one contract that fell within that limit that was eligible, so the \$100,000 is just excluding contracts from being awarded and being sought by service-disabled veteran-owned companies. Thank you.

**Assemblywoman Swank:**

I am wondering when that \$100,000 cap was set. Do we know what year that was set?

**Jim Eckes:**

It was set in 2009.

**Assemblyman Oscarson:**

It appears to me that what you are doing here is codifying a lot of the language from the federal statutes into this particular bill. Is that what I am hearing?

**Assemblyman Stewart:**

That is true for a good part of the bill, but not all of it.

**Chairwoman Benitez-Thompson:**

Are there additional questions from Committee members? Seeing none, we will move into testimony for support. We will start up here in Carson City and then go down to Las Vegas.



**Johnny Flanagan, Private Citizen, Las Vegas, Nevada:**

I am 55 years old. I have had a disability all my life. I never joined the military. I support this bill because I think it is great for our state, and for Clark County. I am hoping that you will consider it good, just like you are.

A long time ago, the veterans had been taken care of because of their acts for the country, and for our state. Many have died, many have been crippled, and many have survived. To help them, we can do this great thing for them. I see that you are looking out for the criminals who may take advantage of it. You are doing a good job. I am behind it 100 percent. Thank you.

**Chairwoman Benitez-Thompson:**

Thank you for your comments. Are there any questions? Seeing none, it looks like there is someone else next to you there in Las Vegas. Is that right? Just state your name for the record.

**Douglas Grassi, Private Citizen, Las Vegas, Nevada:**

I support this bill. One of the significant things that has not come out in the testimony this morning, is that our neighboring states, California and Arizona, have similar provisions to what we are requesting here. That results in the current situation in which California and Arizona give preference to their local veterans on contracts, so somebody from Nevada who wants to bid on a California or Arizona job, is at a disadvantage. Yet, we do not give the same advantage to our veterans here in Nevada, which means California and Arizona companies can come in and bid on an equal basis with our local people, even though our local people cannot compete on an equal basis in their states. Therefore, it is leveling the playing field a little bit with our neighbors. That has not come out in the testimony, and I think that is a significant point.

One other thing: when you ask about having somebody besides the veteran manage the day-to-day operations; a couple years ago, I was diagnosed with cancer and I was in the hospital for 30 days. If I did not have a couple of people around me that could have taken over the day-to-day operations while I was laid up, my business would not have survived. Therefore, there are instances when the veteran, for a short time at least, simply is not able to manage the day-to-day operations. For me, frankly, it was because I was in the hospital.

**Chairwoman Benitez-Thompson:**

Thank you for your testimony. I appreciate it. Are there questions from Committee members? Seeing none, we will come up here to Carson City.

**Dennis Johnson, Private Citizen, Carson City, Nevada:**

Although I am speaking here on my own behalf, I am the past president, and current president, of the Carson City Navy League of the United States. I thought I would explain just a little bit about who the veterans are that will go into business at some point in time after they are off active duty.

We honor sailors and marines out of Naval Air Station, Fallon and the Marine Corps Mountain Warfare Center every month. We travel down there, and they sometimes travel up here. These sailors and marines go through all of the work to do their normal day job, but they also volunteer out in the community; they are fund-raising, they are working with seniors, they are working with kids, and they are working on other things in the community to make it better. They are not just sailors or marines that we honor. It is for all of the outside work that they do.

Every year I get the opportunity to go to the Navy Ball and the Marine Corps Ball. For the past few years, especially with the Marines because they dress up a lot better than the Navy people do, and it hurts me to say that. But I look at the chests full of ribbons that some of these young men and women have. Some have two, three, four stars on top of a service ribbon for serving in Iraq or Afghanistan. Members of the public who do not enter the military do not understand what all of that means; the sacrifices they and their families have made while they are on active duty. Some will make the military a career. Some will serve their term and then go out into the business world in some fashion. Some will be forced out because of the reduction in force.

I am in support of this bill, and I am sure that my organization would be very much in support of the bill, had we had time to take a vote on it. I urge you to pass it.

I want to thank Assemblyman Stewart for what he is doing, as well as the other signers-on. I am available for questions if you have any.

**Chairwoman Benitez-Thompson:**

Are there questions from Committee members? Seeing none, thank you for your testimony. Is there additional testimony in support? Seeing none, we will transition to comments for the record in opposition, and that can mean that you support the bill sponsor and the intent of the bill but you might have technical issues, or issues with specific sections or language of the bill. Now would be the appropriate time to express those concerns.

**John Madole, representing Associated General Contractors, Nevada Chapter:**

I, too, support the sacrifices that veterans have made, and I would just like to address the impact that this bill might have. For example, today you give a 5 percent preference to a Nevada-based company. The way I read this bill, you would immediately shift that to a Nevada-based business which is 51 percent owned by a service-connected disabled veteran. Therefore, you pretty much take care of the Nevada preference and move it over to veterans. This is an extremely competitive market that you see right now. A few years ago, for example, the State Public Works Division had a budget of about \$850 million. Today it is about \$58 million. You are adding a monumental change to a very competitive market.

I asked the Committee secretary to hand you some sheets that are blue and yellow that gives you an idea what has happened in the market here. I indicated where a 5 percent impact like this would easily shift the number of bidders by three or four bidders. Some of these \$600,000 or \$700,000 jobs are only separated by \$200 or \$300 in many instances. When you add a 5 percent preference, most public works in Nevada would only be able to go to a veteran who meets the definition of this.

I agree that people who made a sacrifice probably deserve some special consideration, but a 5 percent disability is an extremely low threshold. If I may, I might answer a question that Assemblywoman Swank asked a few minutes ago. Tinnitus, which I think we all know is a slight ringing in the ears, is a 10 percent disability with the VA. A single flat foot that cannot be corrected with orthopedic shoes is a 30 percent disability.

I would suggest that this bill be put into a working group, as Assemblyman Stewart suggested. I think the people who have some sort of a disability that is connected with an injury or a simulated training incident—the people in Hawthorne the other day are a good example: they were training as though they were in a military situation. There were people with injuries there. Perhaps those people ought to be addressed in a special way—but I think we are looking at a threshold right now that is probably considerably lower than what you really want to do.

This addresses small business, and we are talking about getting people a helping hand. A 200-employee business with a \$5 million net worth may be the technical definition of small business to the VA, or the Small Business Administration, but there are many businesses in Nevada today that are struggling and they are a lot smaller than that. They are not going to be able to make it if we pass this bill the way it is. Anyway, thank you for the opportunity to share those concerns.

**Chairwoman Benitez-Thompson:**

Thank you. Are there questions for Mr. Madole?

**Assemblyman Ellison:**

Do you think that the Committee can come up with the working resolution to amend or modify this bill to make it work?

**John Madole:**

I would suggest that perhaps we look at something with small jobs. Perhaps \$250,000 and less. We give these people a little bit of an advantage and help them get started. I think the thought is that once they gain some ground they can move on and compete with others. I think the 5 percent advantage, if you were looking at a \$25 million job, which I realize is a big job, is a \$2.5 million advantage. That is big. If you are looking at \$250,000, the number at 5 percent is significant, and it will help these people get work. Once they are established, then I think they can move out there and compete with others. Thank you.

**Assemblyman Ellison:**

If you look under section 16, "NRS 338.13844 is hereby amended to read as follows:" then it goes on in subsection 1, "the purpose of awarding a contract for a public work of this state," and that was lined out and it showed \$100,000. I think that there are thresholds in there that can be accomplished to help. Some of those questions came up last night, but I think that this is reachable.

**Chairwoman Benitez-Thompson:**

Are there additional questions? Seeing none, thank you for your testimony, Mr. Madole. Is there anyone else wishing to put comments on the record in opposition, or with concerns about specific sections or language? Seeing none, we will move to neutral. Good morning, Mr. Nuñez.

**Gus Nuñez, P.E., Administrator, State Public Works Division, Department of Administration:**

[Mr. Nuñez provided written comment ([Exhibit F](#)). Our comments are actually a clarification that we are requesting with respect to section 16, subsection 1, paragraphs (a) and (b). Our construction law council at our office reviewed the wording and, as you know, under NRS 338.1389 there is already a bidders' preference for work which exceeds \$250,000 that is administered and issued by the Contractors' Board. So, under this provision, pursuant to NRS 338.0117, if you have a 5 percent preference in the evaluation of the bid over a contractor who does not have that preference, you can be as much as up to 5 percent above the low bidder and still get the contract.

Now, in A.B. 291 it would be issued by the Office of Economic Development. Again, the other one was by the Contractors' Board. Therefore, the Office of Economic Development would issue a 5 percent bidders' preference, and, while it appears that the intent here and there has been some discussion that perhaps alludes to that, this 5 percent veterans' preference would trump the 5 percent preference that is given by the Contractors' Board. If that is the case, I do not think that is absolutely clear here.

I think some clarification should at least be included in the bill if that is the intent. Or, at least we can put it in later on, after all the amendments are on the legislative record. We certainly recommend that perhaps the language could be a little clearer in order to avoid issues that could happen later on with bid protests, et cetera. That concludes all my comments, unless you have any questions for me.

**Assemblyman Daly:**

I guess I have two questions. So, one but not both. For the Contractors' Board 5 percent bidders' preference, you have to be in business in Nevada and pay over a certain amount of taxes and be able to register it for 60 months in order to qualify for that. If we are talking about a veteran-owned business that qualifies for the 51 percent and all that stuff, they would get the 5 percent. Your clarification would be, but not both. So if they are here for 60 months and they are still qualifying for that, and they get the other preference, they would not have ten percent. Is that the clarification you are looking for?

**Gus Nuñez:**

Actually, no. If you have a contractor who has a certificate of eligibility from the Contractors' Board for that bidders' preference, and that is issued by the Contractors' Board, and you have another contractor who has the veterans' preference. If there is a tie, then who gets the contract? It appears that the intent here is for the veterans' preference to trump the other preference issued by the Contractors' Board. But, what I am saying is I do not think that is clear. If that is the intent, we should clarify that in this bill. Thank you.

**Assemblyman Daly:**

After the discussion we just had, I just want to be clear. If the person has the 5 percent, and he still has the veterans' preference five years later, after he has obviously been successful enough to be in business that long and pay the required taxes, I guess that is the question for me that I am asking myself. Should he still have both? You do not have to answer. Maybe this will help some of the other members. If somebody also has the bidders' preference—I know we talked about Arizona and California—Nevada does not recognize that those contractors do not get an advantage over Nevada contractors because

they have that preference in another state. We do not recognize that. You are not aware of anybody that does.

**Gus Nuñez:**

No, we do not recognize any other bidders' preference currently, except that one that is issued by the State of Nevada Contractors' Board.

**Chairwoman Benitez-Thompson:**

Are there additional questions for Mr. Nuñez? Seeing none, thank you for your testimony. Are there additional comments for the record in neutral? Seeing none, I will invite the bill sponsor back up for closing comments.

**Assemblyman Stewart:**

I appreciate the comments of the Committee members, Mr. Nuñez, and Mr. Madole. I will be happy to work with them to try to work things out. I am sure we can reach an agreement where veterans with disabilities are protected, but perhaps we are not giving too much preference where we are affecting other contractors too negatively. Again, I appreciate the opportunity to present this. I will set up a working group with your permission, Madam Chair, and we will work this thing out. Thank you.

**Chairwoman Benitez-Thompson:**

Thank you, Assemblyman Stewart. I invite all who are interested to work with Assemblyman Stewart on this legislation. I will go ahead and close the hearing on A.B. 291.

I will open the hearing on Assembly Bill 364, and welcome Mr. Anderson to the witness table. Whenever you are ready to start, just state your name for the record, sir.

**Assembly Bill 364: Revises provisions governing public officers and employees.  
(BDR 23-1014)**

**Assemblyman Paul Anderson, Clark County Assembly District No. 13:**

Thank you, Madam Chair, and esteemed colleagues. It is a pleasure to be here. I see Mr. Stewart cleared out a few seats; I am not sure if that is good or bad for my case.

Assembly Bill 364 relates to paid military leave for our State of Nevada workers. Currently in statute, there are 15 paid days that are available to those folks. This is generally in reservist situations. In the Reserves, they have an obligation of two weeks a year, plus one weekend a month. That changes a little bit

depending upon which reservist duties are being performed, but for the most part, it works out to be about 39 total days.

Now, if I am working in a department, or I have an 8-to-5 job and weekends off, 15 days covers my two-week commitment and it works out just fine. If I work in the Department of Public Safety, or the Department of Corrections where I am working weekends, or evenings, maybe a 4/10 work schedule through the weekend, I am often required to use my unpaid time off in order to fulfill my reservist duties. So, these folks are at a bit of an inequality with the people who have normal day jobs, versus working weekends or evenings. They have to use unpaid time off, which reduces their salary, and then reduces, of course, their retirement as well. So, we have this inequality, and the intent of this bill is to balance that inequality out a little bit.

What we are requesting in section 1 is to raise the limit from 15 days to 39 days, which would meet the maximum requirement. Now, it is not going to change anything for those folks who just need the 15 days. It would just make it available for those folks who are working weekends and need to take that time off in order to fulfill their reservist duties.

As for section 2 of this bill, I believe we are going to submit an amendment that would remove section 2. Section 1 covers their full compensation, including their Public Employees Retirement System (PERS) benefits, and other benefits outside of that. Section 2 was simply an additional 11 days that they could buy in. But there was a bit of miscommunication I believe, on my part, as to how many days we were trying to cover there. The intent currently is to submit an amendment that would remove section 2.

I think the main thing that we need to remember is that these folks are doing the job that we do not want to do, we are not willing to do, or we have a volunteer to do. They are out there serving us, and certainly, what happened at Hawthorne is fresh in our mind, as has been mentioned. But I just want to tell you a personal story about my cousin Ray.

Ray was in the Army. He was adopted out of a home that was not the best of circumstances. My aunt adopted him. Ray had a tough life growing up. He had gotten himself in trouble during high school, and he struggled just to get through high school. In fact, he got his General Educational Development diploma about a year after high school, and ended up joining the Army.

The first three years of his Army experience were amazing to us, as we saw him come home for holidays, and the life-changing experience that was for him. Ray had changed his life. He had put all of his tough obstacles aside, and he

was on the path to have a really great and productive life. He had a fiancé. He had a bright future.

On a training mission similar, I suppose, to what happened in Hawthorne, it was just a regular training mission out in South Carolina, he was transporting some military folks between two training spots. It was a small dirt road that they would drive down, and in the middle of the night, there was a head-on collision. Ray was the only one who passed that day; everyone else walked away.

That reminded me that even in the simple training exercises, even in the simple driving duties, these folks are putting their lives at risk, and sometimes they do not come home. He had a bright future, and that future was snuffed out by a terrible accident.

So, I think as we think of these reservists, sometimes we think of them as just weekend warriors, but these folks are often called up to full-time duty. They are often training. They are training for true military exercises, and sometimes, bad things happen.

So, my goal here is to fix this inequality for folks that have to take unpaid time off, who are getting dinged for having to take that time off with their salary, and with their retirements. I think we are already putting enough stress on a lot of our state workers, and on top of that, these reservists who are serving on our behalf. We are putting an additional stress there, in and out of combat, and I think it is important to recognize their sacrifice on our behalf. With that, I will be happy to entertain any questions that you may have.

**Assemblywoman Bustamante Adams:**

Does the Office of Veterans' Services also support the idea? I do not see them in the room.

**Assemblyman Paul Anderson:**

I have reached out to them, and we talked about it in theory before the bill came out. I am unsure of their current position and I do not want to speak on their behalf. I have talked to Caleb Cage as well about that, but I will let them speak for their associations.

**Assemblyman Elliot Anderson:**

Thank you very much for coming to talk with me about this yesterday, Assemblyman Anderson. There is one thing I forgot to ask you, and I think it is just a technical thing. On page 2, line 21, subsection 2, there is a phrase "to serve under orders." I do not know how being in the active Reserve works, because I was always on active duty. Are you technically under orders when



you are reporting for drill on the weekends? That was just a technical thing I was wondering about.

I am not sure if a person actually has orders every Saturday or not, because obviously they would be missing that time for the weekend. I get it if you are going under orders for a deployment, or that sort of thing. So that is just a small technical piece that I think we may have to clear it up. I am not sure how to read it, but in terms of the concept, I am 100 percent there. I just want to see if we cannot clarify that a little better.

**Assemblyman Paul Anderson:**

I understand the clarity that needs to be made there. Perhaps we can reach out to those folks who have better information on that.

**Assemblyman Stewart:**

I am always glad to see bills that protect our National Guard people. They have been under such stress over the past ten years or so. I thank you, and I cannot believe I am letting you off so easy.

**Assemblyman Paul Anderson:**

Thank you, Assemblyman Stewart.

**Assemblywoman Swank:**

I just have a question going toward unintended consequences. I want to make sure that we are sure that the Department of Corrections and the Department of Public Safety are the only employees who do not work Monday through Friday.

**Assemblyman Paul Anderson:**

The bill does not limit it to those two departments. Essentially, it makes it up to 39 days, so if folks are working weekends, it could be Department of Transportation (NDOT) employees who are working the weekends, and it just addresses that inequality of folks who do not have normal hours.

**Assemblyman Oscarson:**

Thank you for bringing this, Assemblyman Anderson. I have a question that I do not know if you can answer. It was interesting to me, the five years of credible service. I see that is in previous NRS 286.303 and NRS 286.479. Do you know how they came up with that number of five years? I am just curious because I am sure there are new hires and folks who have been there less than five years who might be impacted by that.

**Assemblyman Paul Anderson:**

I am unaware of the history of that part of the statute. I apologize.

**Chairwoman Benitez-Thompson:**

We have got such great expertise in the audience, just opening up if anyone has an answer or a thought on that. They can address that when we go into neutral. Are there additional questions from Committee members? Seeing none, I will move into testimony in support. [A letter in support was received from JD Escobar ([Exhibit G](#)).] Is there further testimony in support? [There was none.] Is there testimony in opposition in Carson City, or Las Vegas?

**Tina M. Leiss, Operations Officer, Nevada Public Employees' Retirement System:**

[Ms. Leiss supplied written testimony ([Exhibit H](#)).] The Public Employees Retirement Board did vote to oppose this bill because of section 2. It is now my understanding that the bill sponsor will be offering an amendment to remove that section, in which case I believe the Retirement Board's opposition would be removed as well because then the bill would not affect our chapter. The reason for the Retirement Board's opposition to section 2 is that it provides a benefit enhancement to a discrete group of members of our system, and the Board does have a policy that requires them to oppose any benefit enhancement until we are at least 85 percent funded.

The Public Employees Retirement Act currently allows all active members to purchase up to five years of service without tying that to prior government service. The reason that is designed this way is it is a cost-sharing plan where all members contribute equally. That includes state, city, county, school district, and all public employees. The purchase of service is currently designed to be uniform for all members, and because this bill would provide an added benefit to a discrete group of state employees, the Board would oppose it, as well as it being a benefit enhancement. As I said, if that section is removed, I believe the Retirement Board's opposition would be removed.

In answer to the question about five years of creditable service prior to this being allowed as a purchase, five years of creditable service would be vesting in the system. We could not allow any purchase of service prior to the vesting of that member in the retirement system. If there is no vesting, there really is no right to purchase service. That would be the reason for those five years.

I would be happy to answer any questions.

**Chairwoman Benitez-Thompson:**

Are there questions from Committee members? [There were none.] So, with the purchasing of 11 days, I know that there is a process within PERS where time can be purchased. So, with the ability to purchase those 11 days, is it as

time is accrued? Or could it be purchased in one lump sum? I was wondering if you could talk through that process a little bit more.

**Tina Leiss:**

Currently, any active member who is vested after those five years of service can purchase up to five years. So, once you become vested you can go in and ask to purchase from one day of service up to five years of service. So, they could purchase 11 days at a time, or they could purchase a year, two years, or three years—whatever they choose to do—up to five years of service and it is not currently tied to any prior government service. The reason for that is because we have numerous members who have leave without pay for various reasons. When purchased service originally was not tied to government service, a lot of the reason was because you had a lot of teachers who, at that time, tended to be more female than male. You had more military members who tended to be more male than female. This allowed anybody with leave without service, be it a teacher on maternity leave or a member serving in some military capacity, allowing them all to purchase whatever time they needed because of their leave without pay. That is why it is uniform. So if someone wants to come in and purchase 11 days at a time, that is fine; or, they could purchase any time up to five years.

**Assemblywoman Neal:**

For section 2, I understand where you said it was an enhanced benefit, but you also stated that it was for a narrow group. In section 1, it lists the areas. So how many are in the group that he was trying to encapsulate versus the total retirement group?

**Tina Leiss:**

I did not try to figure out how many members because I do not know how many state employees have Saturday and Sunday work schedules. I also read this bill to apply only to Department of Corrections and the Department of Public Safety. The entire state workforce is only 16 percent of our membership. This would be a very, very small subset of our membership if the state as a whole were only 16 percent. I should also mention that this is cost-neutral to the system. One way or another, purchase is cost-neutral because the member pays full actuarial cost. So, they pay us the entire cost. It is not really a cost issue; it is more that you are allowing certain members to purchase more than five years, and not allowing all members to do so.

**Chairwoman Benitez-Thompson:**

Are there additional questions? [There were none.] Thank you for your testimony. Is there any other testimony in opposition? [There was none.] I will

go ahead and open up for those who want to put remarks on the legislative record in neutral. Seeing none, I will invite the bill sponsor up for closing comments.

**Assemblyman Paul Anderson:**

Thank you, Madam Chair. To address that section on the 11-day buyback, initially it was thought that there was a total 50-day requirement for those reservist duties. I believe that was a typo when I sent that off to the Legislative Counsel Bureau to have this written. Instead of giving the full 50 days, we split that up into 39 paid days with 11 days of the ability to buy the PERS. Subsequently, we realized that it was the 39 days we were after, and that was full compensation for those days.

That is why we chose to remove that additional 11 days. Because it was the difference between the 50 days and the 39 days. We thought if they were going to have to take unpaid days, we would at least allow them to buy their PERS credits. Since that is not the case, that is the reason for the amendment to remove that section. It would just be the 39 days for that.

**Chairwoman Benitez-Thompson:**

Thank you. With that, we will go ahead and close the hearing on Assembly Bill 364, and I will open it up for public comment. Seeing none, I will go ahead and adjourn this meeting [at 9:31 a.m.].

RESPECTFULLY SUBMITTED:

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John Budden  
Committee Secretary

APPROVED BY:

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Assemblywoman Teresa Benitez-Thompson, Chairwoman

DATE: \_\_\_\_\_

**EXHIBITS**

**Committee Name:** Committee on Government Affairs

**Date:** March 26, 2013

**Time of Meeting:** 8:06 a.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
A.B. 266	C	Assemblyman Pete Livermore	Mock-up amendment
A.B. 266	D	JD Escobar/Association of the National Guard	Testimony in support
A.B. 291	E	Jim Eckes/Elite Service-Disabled Veteran-Owned Business Network	Testimony
A.B. 291	F	Gus Nuñez/State Public Works Division	Testimony
A.B. 364	G	JD Escobar/Association of the National Guard	Testimony in support
A.B. 364	H	Tina Leiss/Public Employees Retirement System	Testimony