

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

**Seventy-Seventh Session  
April 5, 2013**

The Committee on Government Affairs was called to order by Chairwoman Teresa Benitez-Thompson at 9:19 a.m. on Friday, April 5, 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](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 James Oscarson  
Assemblywoman Peggy Pierce  
Assemblyman Lynn D. Stewart  
Assemblywoman Heidi Swank  
Assemblywoman Melissa Woodbury

**COMMITTEE MEMBERS ABSENT:**

Assemblyman Harvey J. Munford (excused)

**GUEST LEGISLATORS PRESENT:**

Assemblyman Paul Anderson, Clark County Assembly District No. 13

Minutes ID: 764



**STAFF MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Keith Uriarte, representing American Federation of State, County and  
Municipal Employees, AFL—CIO, Local 4041  
Carole Vilardo, representing Nevada Taxpayers Association

**Chairwoman Benitez-Thompson:**

[Roll was taken and housekeeping matters were explained.] I want to make sure you know about the changes to the agenda. We have a floor session that has been scheduled and a couple of us have a subcommittee on regulations to attend. We will be ending this Committee meeting at 11 a.m.

Consequently, we are going to be rolling two bills to Monday's agenda. We will only be hearing Assembly Bill 321 today, but we are going to start with our work session. Committee members have the work session documents in front of them. We just handed out the mock-up to Assembly Bill 303, so you may want to look at that language agreed to by the bill sponsor and Mr. Wells. We have 12 bills on work session today. We are going to start with Assembly Bill 9, which makes various changes to the Charter of the City of Reno. I will hand it over to my policy analyst, Jennifer Ruedy, to walk us through it.

**Assembly Bill 9: Makes various changes to the Charter of the City of Reno.  
(BDR S-266)**

**Jennifer Ruedy, Committee Policy Analyst:**

Assembly Bill 9 is the City of Reno Charter bill and it was heard by the Committee on February 28. Just to be clear, that first page and a half of the work session document is summarizing the bill as introduced, not the amendment. There is a nice long amendment, 31 pages I believe, and that is the proposed amendment from City of Reno. That is under consideration. There are actually two amendments. On the second page of your work session document (Exhibit C), number two is also an amendment to be considered, and that is at the direction of the Chairwoman. Let me go ahead and start walking

through the bill. Assembly Bill 9 was heard on February 28. It makes various changes to the Charter of the City of Reno.

Following is a summary. If you look down the list, the first page and a half is a summary of the primary provisions of the bill as introduced. First, it expands the prohibition against the mayor and city council members holding public employment or another office. That 6, the number in brackets, represents the section in which this is found. There is no significant change in the amendment in that section. [Continued with work session document ([Exhibit C](#)).]

That is a brief summary of the bill and the amendments by the City of Reno. Then, if you will look down to amendment 2 on the work session document ([Exhibit C](#)), at the request of the Chair the following additional amendment is to also be considered, deleting section 7 of the bill and retaining the language on page 16 of the bill at lines 4 through 14, which was proposed to be deleted in the original bill draft. This is current language within the Charter requiring that the City Council approve the appointment of the police and fire chief. It was proposed to be moved to section 7. Now, section 7 would be deleted if that second amendment is adopted, so that provision would stay where it is. Hopefully everyone is not thoroughly confused.

**Chairwoman Benitez-Thompson:**

I think this bill might get the award for the most amended bill in Government Affairs. Those are the changes to A.B. 9. I will accept a motion to amend and do pass.

**Assemblyman Daly:**

I want to make the motion so people will understand what it is. The motion is to amend and do pass, accepting both amendments; amendment 1 and amendment 2 work in concert with each other. So all of the language except for section 7 in the City of Reno's mock-up has been agreed to, and amendment 2 retains the language in section 21, page 16, lines 4 through 14. That was original language in the Charter that the bill proposed to move into section 7, so when we delete section 7, we need to retain that old language. Those two work in concert, so the motion is to amend and do pass using amendment 1 and amendment 2 as they work together. That is what has been agreed to by everybody except the City of Reno. However, they understand that is what is happening.

ASSEMBLYMAN DALY MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 9.

ASSEMBLYMAN LIVERMORE SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN MUNFORD WAS  
ABSENT FOR THE VOTE.)

**Chairwoman Benitez-Thompson:**

I will go ahead and assign that floor statement to Assemblyman Daly. We will move on to Assembly Bill 135, a bill relating to town advisory boards. I will hand it back over to Committee Policy Analyst Jennifer Ruedy.

**Assembly Bill 135:** Revises provisions relating to town advisory boards.  
(BDR 21-128)

**Jennifer Ruedy, Committee Policy Analyst:**

Assembly Bill 135 was heard by this Committee on February 22. It requires that members of the town advisory board in the unincorporated towns of a county whose population is 700,000 or more, and that are located 25 miles or more from an incorporated city whose population is 500,000 or more be elected. If there are any seats left vacant after the election, then the board of county commissioners shall make appointments to fill those seats ([Exhibit D](#)). There are no amendments on this bill.

**Chairwoman Benitez-Thompson:**

I will accept a motion to do pass Assembly Bill 135.

ASSEMBLYMAN LIVERMORE MOVED TO DO PASS  
ASSEMBLY BILL 135.

ASSEMBLYMAN ELLIOT ANDERSON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN MUNFORD WAS  
ABSENT FOR THE VOTE.)

**Chairwoman Benitez-Thompson:**

I will assign this floor statement to Assemblyman Livermore. Next, we have Assembly Bill 172 which revises provisions governing bidders' preference on certain public works projects. I will hand it back over to Committee Policy Analyst Jennifer Ruedy.

**Assembly Bill 172:** Revises provisions governing bidder preferences on certain public works. (BDR 28-110)

**Jennifer Ruedy, Committee Policy Analyst:**

Again, just to clarify, the work session document ([Exhibit E](#)) that you see, everything between the box and where it says "Amendments," that is a summary of the bill as introduced. I had a lot of questions on that.

Assembly Bill 172 increases from 50 to 100 percent the percentage of workers that are required to hold a valid Nevada driver's license or identification card when employed on a public work project for which the bidder received a preference. [Continued to read work session document ([Exhibit E](#))].

There is an attached amendment that is two pages. It is quite lengthy. I can attempt to walk you through it. Otherwise, I believe there are at least two individuals in the audience who are more intimately familiar with this amendment than I am on Assembly Bill 172.

**Chairwoman Benitez-Thompson:**

I will ask you to walk us through it, and then if there are specific questions that Committee members have, we can make those people available to respond.

**Jennifer Ruedy:**

This conceptual amendment was submitted by Assemblyman Horne. The first part is to retain the 50 percent language in section 1, subsection 1, paragraph (a), that was the requirement that they hold the Nevada driver's license at 50 percent instead of increasing it to 100 percent. [Continued with ([Exhibit E](#))].

**Chairwoman Benitez-Thompson:**

Thank you, Ms. Ruedy. Are there questions from Committee members?

**Assemblyman Stewart:**

I think with all these amendments, I am good on this bill. However, I am not quite sure so I will be voting yes, but I reserve the right to change my vote.

**Assemblywoman Woodbury:**

I am also going to reserve my right to change my vote, but I will vote yes now.

**Assemblyman Ellison:**

When we went through the bill, we had a lot of questions that we still have not gotten answered, mostly with the amendments. I am going to vote yes, but reserve my right to change that vote.

**Assemblyman Livermore:**

Ditto. I will be supporting this bill, but I reserve the right to change my vote.

**Assemblywoman Bustamante Adams:**

Ditto.

**Assemblyman Oscarson:**

Ditto.

**Chairwoman Benitez-Thompson:**

Thank you for getting those comments on the record.

I will accept a motion to amend and do pass with the amendments as presented from Assemblyman Horne's office and as read by our policy analyst, Jennifer Ruedy.

ASSEMBLYWOMAN PIERCE MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 172.

ASSEMBLYWOMAN NEAL SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN MUNFORD WAS  
ABSENT FOR THE VOTE.)

**Chairwoman Benitez-Thompson:**

We will assign that floor statement to the bill sponsor.

We will now move on to Assembly Bill 237.

**Assembly Bill 237: Adjusts the compensation of certain members of certain boards, commissions and similar bodies. (BDR 23-624)**

**Jennifer Ruedy, Committee Policy Analyst:**

Assembly Bill 237 was heard by the Committee on March 19. It increases the compensation of certain members of certain state boards, commissions, and similar bodies from \$80 per day to \$150 per day ([Exhibit F](#)). For that reason there are fiscal statements on the bill. No amendments were received on the

bill. It was also referred concurrently to the Assembly Committee on Government Affairs and the Assembly Committee on Ways and Means.

**Chairwoman Benitez-Thompson:**

I will accept a motion to rerefer without recommendation Assembly Bill 237 to the Assembly Committee on Ways and Means.

ASSEMBLYWOMAN BUSTAMANTE ADAMS MOVED TO REREFER  
WITHOUT RECOMMENDATION.

ASSEMBLYMAN OSCARSON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN MUNFORD WAS  
ABSENT FOR THE VOTE.)

**Chairwoman Benitez-Thompson:**

We will move on to Assembly Bill 251.

**Assembly Bill 251:** Requires disclosure to the public of certain contact information for a member of certain public bodies. (BDR 19-159)

**Jennifer Ruedy, Committee Policy Analyst:**

Assembly Bill 251 was heard by the Committee on March 18. It requires a governmental entity, upon the request of any person and with certain exceptions, to disclose the individual electronic mail address or telephone number, or both, of an individual member of certain public bodies, if the person who is the subject of the request has previously provided that information to the governmental entity. The governmental entity's record of the information is a "public record." Again, this summary is as the bill is introduced. [Continued to read from work session document ([Exhibit G](#))].

**Assemblywoman Pierce:**

I had a lot of heartburn about this bill as it was written. However, I am satisfied with the amendment, and I know this is not the actual amendment, with the exception of line 5 of section 1, and the word "confidential." I think that sort of implies that if the public calls us, then that is confidential. I am not actually sure that is always true, so I would be nervous about saying to the public that communications with us are confidential. Other than that, I am good with the amendment.

**Chairwoman Benitez-Thompson:**

We will get that clarified with the bill sponsor and with the Legal Division. I believe the intent of the bill sponsor was so that it could be, I should say, more private communication with a member of the public and the public board member without necessarily having someone who can run interception on those communications. We will make sure that we get that worked out.

I will accept a motion to amend and do pass as in the mock-up on Assembly Bill 251.

ASSEMBLYWOMAN NEAL MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 251.

ASSEMBLYMAN ELLISON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN MUNFORD WAS  
ABSENT FOR THE VOTE.)

**Chairwoman Benitez-Thompson:**

I will assign that floor statement to the bill sponsor, Assemblyman Hansen.

We will move on to Assembly Bill 266.

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

**Jennifer Ruedy, Committee Policy Analyst:**

Assembly Bill 266 was heard by the Committee on March 26. It defines "veteran" in Chapter 417 of the *Nevada Revised Statutes*, which is specific to Veterans' Services, for the purpose of establishing who is entitled to certain privileges and benefits. [Continued to read from work session document ([Exhibit H](#))].

**Chairwoman Benitez-Thompson:**

For this bill, I will accept a motion to refer out of Committee without recommendation to the Assembly Committee on Ways and Means.

ASSEMBLYWOMAN NEAL MOVED TO REFER WITHOUT  
RECOMMENDATION ASSEMBLY BILL 266 TO THE ASSEMBLY  
COMMITTEE ON WAYS AND MEANS.

ASSEMBLYWOMAN BUSTAMANTE ADAMS SECONDED THE  
MOTION.



THE MOTION PASSED. (ASSEMBLYMAN MUNFORD WAS  
ABSENT FOR THE VOTE.)

**Chairwoman Benitez-Thompson:**

We will go to Assembly Bill 270. I will let our Committee Policy Analyst, Jennifer Ruedy, walk us through the bill and amendments.

**Assembly Bill 270: Revises provisions governing minority affairs. (BDR 18-130)**

**Jennifer Ruedy, Committee Policy Analyst:**

Assembly Bill 270 was heard by the Committee on March 20. The bill, as introduced, requires the Director of the Department of Business and Industry to provide the services of an investigator to the Office of Ombudsman of Consumer Affairs for Minorities. The duties of the Nevada Commission on Minority Affairs (Commission) are revised with some additions. The Director of the Department of Administration is no longer required to provide staff assistance to the Commission, and the Commission is authorized to employ such staff and personnel as necessary to carry out its duties. [Continued to read from work session document ([Exhibit I](#))].

The deletion of the cost allocation and requirement to go to the Interim Finance Committee deletes section 3, section 4, and section 5 of the bill. Also, that amendment adds language to section 1 that if an investigator is brought on staff under the Director, it may assist the Ombudsman as needed. That is a pretty substantial change to the bill as proposed by the sponsor.

**Assemblyman Stewart:**

As I understand it now with the amendment the Director will have discretion if the person is hired to use them part time, or as he feels needed in the Ombudsman's Office. I think I am okay with this now, but again I reserve my right to change my vote on the floor.

**Assemblyman Ellison:**

I would like to reserve my right to change my vote on the floor. I do need to get some clarification from the Governor's Office. Other than that, I have no problem with the bill. The other thing is, for the record I am in favor of Assembly Bill 294, Assembly Bill 303, Assembly Bill 364, Assembly Bill 383, and Assembly Bill 493. I have to go to another meeting, but I just wanted to put on the record that I have no problem with those bills.

**Assemblyman Livermore:**

I am going to support the bill, but I also want to reserve my right to change my vote on the floor, only because of the statements already on the record.

**Chairwoman Benitez-Thompson:**

Thank you for your comments. Assemblyman Oscarson would also like to reserve his right to change his vote on the floor. Assemblyman Daly, do you reserve your right as well? Or, no comments?

**Assemblyman Daly:**

No comment, thank you. As the seconder of the motion, I will not be changing my vote on the floor. I hope it gets to the floor out of Ways and Means. I just wanted to go on the record that I am very happy that Assemblywoman Neal got this issue addressed and found a solution. I did speak with her on the concerns I had with the bill. She assured me they are taken out. I remember the Committee meeting and it was something that was very important to her. I support the bill. Thanks.

**Chairwoman Benitez-Thompson:**

Thank you. I am going to go ahead and put the motion out there real quick. I will accept a motion to amend and do pass as amended and then refer to the Assembly Committee on Ways and Means.

ASSEMBLYWOMAN BUSTAMANTE ADAMS MOVED TO AMEND  
AND DO PASS AS AMENDED AND REFER TO THE ASSEMBLY  
COMMITTEE ON WAYS AND MEANS ASSEMBLY BILL 270.

ASSEMBLYMAN DALY SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN MUNFORD WAS  
ABSENT FOR THE VOTE.)

**Chairwoman Benitez-Thompson:**

We will assign that floor statement to the bill sponsor, Assemblywoman Neal.

We will move to Assembly Bill 294.

**Assembly Bill 294:** Revises provisions relating to economic development.  
(BDR 27-777)

**Jennifer Ruedy, Committee Policy Analyst:**

Assembly Bill 294 was heard on April 2. The summary is a summary of the bill as introduced. Assembly Bill 294 provides for the certification of local emerging small businesses by the Office of Economic Development and sets forth certain criteria for that certification. [Continued to read from work session document ([Exhibit J](#))].

There was also a mock-up ([Exhibit K](#)) that was just provided, separate from the work session document, that should have been printed and provided. That was provided by the bill sponsor today. Hopefully, all of you have that hard copy. That is the mock-up we will walk through. [Continued reading from mock-up ([Exhibit K](#))].

**Chairwoman Benitez-Thompson:**

Thank you so much. You folks have the mock-up ([Exhibit K](#)) there which just sought to better clarify the amendments that we had. At this time I will accept a motion to amend and do pass as amended and refer to Ways and Means.

ASSEMBLYMAN ELLIOT ANDERSON MOTIONED TO AMEND AND DO PASS ASSEMBLY BILL 294 AS AMENDED AND REFER TO THE ASSEMBLY COMMITTEE ON WAYS AND MEANS.

ASSEMBLYWOMAN NEAL SECONDED THE MOTION.

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

**Chairwoman Benitez-Thompson:**

We will assign that floor statement to Assemblywoman Bustamante Adams.

We will move to Assembly Bill 303. For clarification, this is the mock-up that you were handed at the beginning of the meeting. Our Committee Policy Analyst, Jennifer Ruedy, is going to walk you through the changes on section 2.

**Assembly Bill 303:** Revises provisions relating to the subsidy for coverage of certain retired persons under the Public Employees' Benefits Program. (BDR 23-681)

**Jennifer Ruedy, Committee Policy Analyst:**

Assembly Bill 303 authorizes the Board of the Public Employees' Benefits Program to approve the payment of an additional amount, from any source, to increase the subsidy for a retired person with state service who obtains their health insurance coverage through an individual medical plan offered pursuant to Medicare. [Continued to read from work session document ([Exhibit L](#))].

If you will notice the proposed mock-up ([Exhibit M](#)) from the bill sponsor, there was some question, but the only actual amendment was Mr. Wells', the Executive Officer from the Public Employees' Benefits Program. He had some concerns about the language "any source." I have been advised by the bill

sponsor, Assemblyman Aizley, that he has spoken with Mr. Wells and they have agreed to the language in this mock-up to change that language on page 2. As you see, instead of saying "from any source for a portion of the cost of premiums or contributions for the program," it will say "to retired persons described in this subsection that is in excess of the amount paid pursuant to paragraph (a) or (b), or both, for those persons from any money that is available for that purpose." That is the only amendment on A.B. 303. Thank you.

**Assemblyman Stewart:**

I think I need to disclose that I am covered under this.

**Chairwoman Benitez-Thompson:**

Thank you for your due diligence. I will accept a motion to amend and do pass per the mock-up.

ASSEMBLYMAN HEALEY MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 303.

ASSEMBLYWOMAN SWANK SECONDED THE MOTION.

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

**Chairwoman Benitez-Thompson:**

We will assign the floor statement to the bill sponsor, Assemblyman Aizley.

We will move to Assembly Bill 364. This revises provisions governing public officers and employees. I will let our Policy Analyst, Jennifer Ruedy walk us through the bill.

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

**Jennifer Ruedy, Committee Policy Analyst:**

Assembly Bill 364 was heard on March 26. It increases, from "not more than 15 working days" to "not more than 39 working days" in a calendar year, the period during which any public officer or employee of the Department of Corrections or the Department of Public Safety whose work schedule includes Saturday or Sunday and who is an active member of certain military groups must be relieved from their duties as public officers and employees to serve under orders without loss of compensation. No such absence may be part of the employee's annual vacation. [Continued to read from work session document ([Exhibit N](#)).]

That is as the bill as introduced, just to be clear. However, the amendment that you will see in the attached mock-up ([Exhibit N](#)) is deleting the entire section 2 which was allowing sections 2 and 3—you see lots of purple on there—that allows the purchasing of service credit under certain circumstances. It is deleting those sections, and it is also further modifying section 1 by expanding who this applies to; it is not just the Department of Corrections or the Department of Public Safety, it is the State, or any agency thereof. That is the change in section 1, and that is the mock-up. Thank you.

**Chairwoman Benitez-Thompson:**

I will accept a motion to amend and do pass Assembly Bill 364 as amended and refer to the Assembly Committee on Ways and Means.

ASSEMBLYMAN ELLIOT ANDERSON MOVED TO AMEND AND DO PASS ASSEMBLY BILL 364 AS AMENDED AND REFER TO THE ASSEMBLY COMMITTEE ON WAYS AND MEANS.

ASSEMBLYMAN OSCARSON SECONDED THE MOTION.

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

**Chairwoman Benitez-Thompson:**

Real quickly, on Assembly Bill 266, I actually wanted that to be amend and do pass; I added on a referral to Ways and Means, but that was actually unintentional. I will take a motion to rescind our vote on Assembly Bill 266.

ASSEMBLYWOMAN NEAL MOVED TO RESCIND THE VOTE ON ASSEMBLY BILL 266.

ASSEMBLYMAN STEWART SECONDED THE MOTION.

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

**Chairwoman Benitez-Thompson:**

I will now accept a motion to amend and do pass per the mock-up on Assembly Bill 266.

ASSEMBLYMAN HEALEY MOVED TO AMEND AND DO PASS ASSEMBLY BILL 266.

ASSEMBLYMAN OSCARSON SECONDED THE MOTION.

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

**Chairwoman Benitez-Thompson:**

We will assign the floor statement to Assemblyman Livermore.

Assembly Bill 364 has been referred to another committee, but we will keep the assignment to the bill sponsor, Assemblyman Elliot Anderson.

We will now move on to Assembly Bill 383.

**Assembly Bill 383: Revises provisions governing the Sunset Subcommittee of the Legislative Commission. (BDR 18-160)**

**Jennifer Ruedy, Committee Policy Analyst:**

Just to explain, the Sunset Subcommittee is a permanent subcommittee of the Legislative Commission whose authorization and duties are set forth in Chapter 232B, "Legislative Review of Public Agencies," of the *Nevada Revised Statutes* (NRS). Created in 2011 with the enactment of Senate Bill 251 of the 76th Session (Chapter 480, *Statutes of Nevada*), the Subcommittee is responsible for conducting reviews of all boards and commissions in Nevada that are not provided for in the *Nevada Constitution* or established by an executive order of the Governor. [Continued to read from work session document ([Exhibit O](#)).]

**Chairwoman Benitez-Thompson:**

I will accept a motion to amend and do pass Assembly Bill 383.

ASSEMBLYWOMAN NEAL MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 383.

ASSEMBLYMAN STEWART SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN MUNFORD WAS  
ABSENT FOR THE VOTE.)

**Chairwoman Benitez-Thompson:**

I will assign that floor statement to Assemblywoman Bustamante Adams.

We will move on to Assembly Bill 493. We will let Jennifer Ruedy walk us through the bill.

**Assembly Bill 493: Abolishes the Nevada Commission on Sports. (BDR 18-572)**

**Jennifer Ruedy, Committee Policy Analyst:**

Assembly Bill 493 repeals the statutory provisions establishing the Nevada Commission on Sports. There were no amendments received ([Exhibit P](#)).

**Chairwoman Benitez-Thompson:**

I will accept a motion to do pass.

ASSEMBLYMAN DALY MOVED TO DO PASS  
ASSEMBLY BILL 493.

ASSEMBLYWOMAN NEAL SECONDED THE MOTION.  
THE MOTION PASSED. (ASSEMBLYMAN MUNFORD WAS  
ABSENT FOR THE VOTE.)

**Chairwoman Benitez-Thompson:**

I just want to give a big thank you to the Committee because I know you did a lot of reading and you were asking a lot of questions. I know there was not a page in this monster work session that was not reviewed by you folks. Thank you so much for your hard work. Thank you so much to everyone who worked with the bill sponsors to get their bills moving. I appreciate that.

With that said, I see Assemblyman Paul Anderson here, so we will go ahead and open up the bill hearing on Assembly Bill 321. We have 35 minutes budgeted for this bill hearing. Good morning, I will let you start your presentation at your leisure.

**Assembly Bill 321: Revises provisions governing the Merit Award Program for state employees. (BDR 23-760)**

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

I am cognizant of the time, and I will certainly be fast and concise. Initially, when this bill first came out, it was not quite the initial intent of what I was trying to accomplish. The existing statute actually goes all the way back to 1967. However, the existing framework was reworked in a very good fashion, and my intent was not to turn it on its heels; my intent was to grow and expand the program through awareness.

So, I would like to focus on the conceptual amendment ([Exhibit Q](#)). I would like to thank Mr. Penrose for his help in guiding me down the path. Also, Assemblyman Healey was very helpful in working towards some basic

amendments that I think will help this program to go with the intent that we are after. I hope that it is okay to call you out on that Mr. Healey.

The intent here is to take the program as is and expand the awareness and the idea of the program. The conceptual amendment essentially removes all of the changes that came out of draft as they stand, except for two components, which are found in sections 1 and 8 of the bill. I will not read those; they are very short. Essentially, they contribute to the awareness portion. We want to make sure that when state agencies are having meetings, when they are sending out newsletters, when they are meeting with their employees during reviews, that the Merit Award Program is simply brought up during those reviews. The next time they update their website, the next time they send out any of those things, the Merit Award Program will be included as information and how it works, and here is how you can participate.

The current program is just sort of getting kick-started. The first award in the first two years was awarded just last month, I believe. Someone had a suggestion that saved the state \$8,658, and she won an award of 10 percent of that. Since then, the ideas have been flowing in even faster than they had been the previous two years. So I think the awareness component is key to this. If you talk to agencies, some know about it, some have not heard about it. If you talk to folks who work in those agencies, the knowledge base gets even further diluted there. Sections 1 and 8 are simply the awareness components, and to help expand the awareness.

In the conceptual amendment there is a typo where it says "retain section 4 for clarifying purposes" ([Exhibit Q](#)). It is actually sections 5 and 6 where it says, "or any improvement in operations." The desire is to remove that language so that the point of the program is to help the state save money and to reward those who help us find money. It is difficult, and very subjective, to put a dollar number on "improvement in operations." I think that by removing that we simply put the focus on the intent of the program: to estimate reduction, eliminate or avoid expenditures. That concludes my presentation. I would be happy to entertain any questions.

**Chairwoman Benitez-Thompson:**

Just for clarification, with your conceptual amendments we are just retaining sections 1 and 8, and clarifying section 4. Is everything else out?

**Assemblyman Paul Anderson:**

Yes, almost. The clarification will be sections 5 and 6. There was a typo on that, and it was actually brought to my attention by Mr. Penrose just before the



meeting. That will be in the actual mock-up of the amendment, and everything else is gone. You are correct.

**Chairwoman Benitez-Thompson:**

Just for clarification, other than section 1, and then clean up on sections 5 and 6, any other changes to the bill are out. Right?

**Assemblyman Paul Anderson:**

That is correct. I will just repeat it again for the record. All of the changes will be removed except for sections 1 and 8, which are the awareness portions, and sections 5 and 6 will have that one line removed because it repeats in a couple of different sections.

**Assemblywoman Neal:**

So, we are deleting "or any improvement in operations." Is that what we are deleting?

**Assemblyman Paul Anderson:**

That is correct. That is repeated in a couple of sections.

**Assemblywoman Neal:**

I am going back through. What is the first section that it is in?

**Assemblyman Paul Anderson:**

Section 5, line 33, where it says, "avoidance of expenditures, or any improvement in operations made possible by employee suggestions."

**Assemblywoman Neal:**

That is what I was wondering about, because it is deleted on line 33 in the original. I know that is a broad term, but if it is an improvement in operations, would we not want to give credit to the staff person who may have improved how something functions?

**Assemblyman Paul Anderson:**

Right. I would appreciate the efficiency, but it is very subjective as to how to put a number to that. So, I would suggest that when you are creating an incentive program, you want to be as clear as possible about the goals of the program. I think by removing this it makes it fairly explicit as to what we are trying to accomplish with this program.

**Assemblyman Healey:**

I just wanted to thank Assemblyman Paul Anderson for bringing the bill forward. I think this is a great example of when sometimes it does not come out with the

intent that you originally had. He was very willing to sit down, and we constructively went through it together. As a result of that, employees have a great program, if this bill were to pass.

**Assemblywoman Neal:**

On section 5, subsection 1, paragraph (c), line 20, where it says, "If the Board determines that the employee's suggestion is desirable and feasible," since this is already in the works, have you seen how that criteria has been played out? How do they determine whether or not it is desirable? Is that based on whether or not it actually does the function of some of that deleted language, which was: "they can prove the reduction, they can prove the elimination, or the avoidance of an expenditure?" Have you seen the report? What did it look like for the person who got the Merit Award?

**Assemblyman Paul Anderson:**

Yes, I have seen the report. After two years, I believe there were 11 suggestions. I think that feasibility is a good clause in there because some of those suggestions were, "Hey, we should fire that security guard at the front desk. He does not seem to be doing anything." So, they may not have been suggestions to improve operations; they would certainly lower expenses, but it was not a feasible suggestion. So that gave the Board an opportunity to look at that, and either refer it to the agency, or not. But I think all suggestions are actually referred to the agencies in question, whether they like them or not.

**Assemblyman Livermore:**

I have seen this work before at the local government level. In fact, there is a device that is still being used today that work crews used to go out and seal-coat streets. They used this tar that they put down the cracks before they seal-coated it. There was a device, a piece of equipment, that was developed and made by themselves, and it saved a huge amount of time. So, for those kinds of processes, what we did in the city, we allowed the department to keep a small part of their savings, and for that year they got to spend it themselves within the department for furniture, equipment, or computers. I have seen it work, and it is a good process.

**Assemblyman Paul Anderson:**

Thank you, Assemblyman Livermore. I would agree that incentive programs are effective. I think the more clarification, and certainly, if the best reward possible is available to them, it gives people an incentive to look for those things we are asking them to look for.

**Assemblyman Elliot Anderson:**

Hello, Assemblyman Anderson.

**Assemblyman Paul Anderson:**

Mr. Anderson.

**Assemblyman Elliot Anderson:**

I did not get a chance to ask you this when we were talking about this before. Can you explain why you are proposing to change the Board in section 3?

**Assemblyman Paul Anderson:**

That would actually be a portion that is removed. So, the only sections that will remain after the amendment will be section 1 and 8, and then the changes in sections 5 and 6 that we talked about. The Board will remain the same as it is currently constituted, as far as the functions of it.

**Chairwoman Benitez-Thompson:**

Just to clarify the record, it is not that the sections will be removed, he is removing his proposed amended language. It would read as if untouched. It would just continue to be black print; not red, not green, not purple, not orange.

Are there additional questions from Committee members?

**Assemblywoman Bustamante Adams:**

I understand now what you are trying to get at. Will we have a mock-up? I would like to actually see it. I get it. I appreciate your collaboration with the other members to bring this forth. Thank you.

**Chairwoman Benitez-Thompson:**

Are there additional questions? [There were none.] Just for clarification, in section 6 it looks like the award is either going to be based on 20 percent of the actual savings amount, or a \$3,500 award; whichever is less. So, kind of the cap of where we hit, as opposed to \$25,000, would be \$3,500. Right?

**Assemblyman Paul Anderson:**

That will actually be part of the language that will revert back to existing statute. That is part of it that we are also removing. In section 6, the part that we would retain on the amendment would be subsection 5.

**Chairwoman Benitez-Thompson:**

Thank you for clarifying. Are there additional questions from Committee members? Seeing none, Mr. Penrose, did you have something for the record?

**Jim Penrose, Committee Counsel:**

Assemblyman Paul Anderson and I are going to get together off-line and talk about the mock-up. However, I would also note that it appears to me that section 2 should be retained because that also deletes the reference to improving the operation of state government.

**Assemblyman Paul Anderson:**

Okay. I see that, thank you.

**Chairwoman Benitez-Thompson:**

Perfect. We will look forward to a mock-up. I will go ahead and open it up for testimony in support.

**Keith Uriarte, representing American Federation of State, County and Municipal Employees, AFL—CIO, Local 4041:**

I am speaking in support of this bill, but qualified since, as Assemblywoman Bustamante Adams has said, this is a conceptual amendment. Once we see the mock-up, I believe that we will be able to very directly say that we support this bill. Also, if I may through the Chairwoman, I would like to thank Assemblyman Healey, who was instrumental in moving the changes. So, if I may, I say thank you.

**Chairwoman Benitez-Thompson:**

Are there any questions from Committee members? Seeing none, are there additional comments in support?

**Carole Vilardo, representing Nevada Taxpayers Association:**

We have supported all of the changes that have tried to improve that program. The one thing that we know, and we know it from the Cashman Good Government Award we get, is that the rank-and-file employees truly do know the way to save money. If you give them the opportunity and the incentive, they will come through like gangbusters. We think it is a great program. I believe I understand the amendments, and I think the amendments will make it better. The problem is always trying to get everybody aware of what, potentially, they can take advantage of. So, we are in support.

**Assemblywoman Bustamante Adams:**

Thank you, Ms. Vilardo. Can you just tell me, since the inception of the Cashman Good Governance Award, what is the total amount of savings, just roughly, if you were to estimate?

**Carole Vilardo, representing Nevada Taxpayers Association:**

I will get you an exact number, because we have the numbers on it, but it has got to be about \$20 million between state and local governments. We have had some as high as \$7.2 million in a school district alone. So there are some very, very good savings. This used to be a program that really nobody knew about. The top award, as memory serves, was \$5,000, and it was extremely subjective the way it was done. That is why the budget office and your fiscal people were brought in, so that there would be some additional quantification on the savings that were there. We think each time it has been brought up, it has been improved a little more. I think this really does do that. So, thank you.

**Chairwoman Benitez-Thompson:**

Are there additional questions from Committee members? Seeing none, thank you for your testimony in support. Is there any additional testimony? Seeing none, we will open it up for testimony in opposition, and opposition can mean that you agree with the spirit of the bill, but have issues with specific sections or language. Seeing none in Carson City, and none in Clark County, we will move into neutral. Are there comments for the record in neutral? Seeing none, do you have any closing comments, Assemblyman Anderson?

**Assemblyman Paul Anderson:**

I just want to say thank you for hearing the bill. I appreciate the opportunity to present it to you.

**Chairwoman Benitez-Thompson:**

Thank you very much. I will go ahead and close the hearing on Assembly Bill 321. I will open it up for public comment. Is there any public comment? [There was none.] We rolled Assembly Bill 420 and Assembly Bill 424 to Monday morning, so you will see that on the revised agenda, along with another bill. We will reconvene Monday at 8 a.m. Meeting adjourned [at 10: 42 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:** April 5, 2013

**Time of Meeting:** 9:19 a.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
A.B. 9	C	Jennifer Ruedy	Work Session Document
A.B. 135	D	Jennifer Ruedy	Work Session Document
A.B. 172	E	Jennifer Ruedy	Work Session Document
A.B. 237	F	Jennifer Ruedy	Work Session Document
A.B. 251	G	Jennifer Ruedy	Work Session Document
A.B. 266	H	Jennifer Ruedy	Work Session Document
A.B. 270	I	Jennifer Ruedy	Work Session Document
A.B. 294	J	Jennifer Ruedy	Work Session Document
A.B. 294	K	Jennifer Ruedy	Proposed Mock-up
A.B. 303	L	Jennifer Ruedy	Work Session Document
A.B. 303	M	Jennifer Ruedy	Proposed Mock-up
A.B. 364	N	Jennifer Ruedy	Work Session Document
A.B. 383	O	Jennifer Ruedy	Work Session Document
A.B. 493	P	Jennifer Ruedy	Work Session Document
A.B. 364	Q	Assemblymen Paul Anderson	Proposed Amendment