

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

**Seventy-Seventh Session
April 11, 2013**

The Committee on Government Affairs was called to order by Chairwoman Teresa Benitez-Thompson at 9:16 a.m. on Thursday, April 11, 2013, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at nelis.leg.state.nv.us/77th2013. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Teresa Benitez-Thompson, Chairwoman
Assemblywoman Dina Neal, Vice Chairwoman
Assemblyman Elliot T. Anderson
Assemblywoman Irene Bustamante Adams
Assemblyman Skip Daly
Assemblyman John Ellison
Assemblyman James W. Healey
Assemblyman James Oscarson
Assemblywoman Peggy Pierce
Assemblyman Lynn D. Stewart
Assemblywoman Heidi Swank
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

Assemblyman Pete Livermore (excused)
Assemblyman Harvey J. Munford (excused)



GUEST LEGISLATORS PRESENT:

Assemblyman Cresent Hardy, Clark County Assembly District No. 19

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Warren B. Hardy II, representing City of Mesquite
Lisa Foster, representing Nevada League of Cities and Municipalities, and
City of Boulder City
Dan Musgrove, representing City of North Las Vegas
Mike Cathcart, representing City of Henderson
Yolanda T. King, representing Clark County

Chairwoman Benitez-Thompson:

[Roll was called and housekeeping matters were explained.] We are going to be hearing one bill today, Assembly Bill 382, and then we will have a work session. We will take a quick recess at the end of this bill hearing before we roll into work session. Right now, we will focus on Assembly Bill 382, presented by Assemblyman Hardy.

Assembly Bill 382: Authorizes the governing bodies of certain cities to impose a fee on certain activities for certain purposes and authorizes, ratifies, approves and confirms certain ordinances enacted by those cities which impose such a fee. (BDR 21-633)

Assemblyman Cresent Hardy, Clark County Assembly District No. 19:

Thank you for the opportunity to be here. This legislation corrects issues we discovered in the City of Mesquite while we began working to develop a habitat conservation plan as required by the federal Mesquite Lands Act.

As we began discussions with Clark County and the U.S. Fish and Wildlife Service and the Bureau of Land Management (BLM) regarding the development of the Virgin River Habitat Conservation and Recovery Program, it came to our attention that the City of Mesquite is not currently authorized by *Nevada Revised Statutes* (NRS) to collect the fee that is currently required by

the federal Endangered Species Act (ESA). [Continued with prepared remarks ([Exhibit C](#)).]

Warren B. Hardy II, representing City of Mesquite:

There have actually been two Mesquite Land Acts that have gone through Congress. Both of those require Mesquite to participate in a conservation plan under the ESA. For years, the City of Mesquite has been participating, like all other entities, in the Clark County plan. The Clark County plan covers about 78 species. Mesquite is required, according to the list of endangered species, to cover five of those. We have been working over the course of the last year or so with the Fish and Wildlife Service, BLM, Clark County, and Southern Nevada Water Authority, to develop a Virgin River habitat plan. In the course of the conversations, we got a new city attorney who was reviewing all of these statutes, and he came to us and said, "I do not find anywhere in statute that we are authorized to collect the fee that we have been collecting for some time." Therefore, Assemblyman Hardy made a request to the Legislative Counsel Bureau (LCB) to determine whether that was true, and LCB came back and said, "Yes. Not only is that true, but Las Vegas, North Las Vegas, Henderson, and Boulder City are not authorized to collect the fee either."

When the ESA passed and the Legislature acted on that, because the plan was going to be the Clark County habitat plan, the statutory provisions were set up for the unincorporated county to collect that fee. We have been collecting this fee since the ESA was developed, and without the statutory authorization to do it. Every entity in southern Nevada except unincorporated Clark County has been collecting it without statutory authorization. This bill makes that adjustment to allow for us to do it.

When Assemblyman Hardy asked for the bill to be drafted, we did not catch one factor in here. As currently drafted, the bill authorizes us to collect the fee and then turn it in to Clark County. That is what everybody currently does. That works for the other entities that are covered under this bill, so I should indicate that I did speak to the other entities and asked if they wanted to be included in this bill to receive the authorization. They all consented that they wanted to be included. However, I did not realize that it required us to submit it back to Clark County. Again, as I indicated, we are in the process of developing our own study that is more specific to our region. The amendment before you ([Exhibit D](#)) was given to me by Marci D. Henson from the Clark County Desert Conservation Program, and it will allow us to be able to print our own study and to fund it through that.

The other adjustment to the legislation is in section 1, which speaks to the taking of the desert tortoise. As I said, the Clark County plan covers 78 species, and the Mesquite plan will probably cover 5 species and 1 plant. The purpose of the amendment is to provide us with the ability to do our own study to retain, complete and administer those funds.

I know when you see fees and desert tortoises it raises all sorts of red flags, but this is really curative legislation to go back and allow us to statutorily do what we have been doing for many, many years.

Assemblyman Ellison:

When I first looked at the bill, I was somewhat confused. Then I got the details that this is something that has been going on for quite some time. I do not know how long, but maybe you can answer that. However, you are being proactive, not reactive, and I think that is what makes this so valuable. I am hoping others can do the same thing throughout the state.

Warren Hardy:

You brought up a good point. We thought about perhaps just letting it go because we are required by the federal law to collect this; however, we thought it was best to seek curative legislation to address the problem. Thank you.

Assemblywoman Pierce:

Do you want to set up your own desert tortoise program?

Warren Hardy:

Yes, but I should indicate that it is more than just the desert tortoise; it covers all of the species that we are required to cover under the ESA.

Assemblywoman Pierce:

In order to do this, all you need is the change in this law? Do you need an okay from the feds?

Warren Hardy:

Yes, and no. You do not need an okay, but they are the ones who decide the parameters and what needs to be in the study. We are actively involved in those discussions now with Fish and Wildlife and the BLM. I should indicate that we spent about a year analyzing whether we should create our own fund or continue within the Clark County plan. At the end of the day, Clark County and our city council endorsed doing our own plan because we have a couple of species in the Virgin River that are not covered under the Clark County plan. Either Clark County would have to expand their plan, or we would have to do our own. That is what led to us doing our own plan.

Assemblywoman Pierce:

How far along are you with having a zone ready where you can move species?

Warren Hardy:

We, as the City of Mesquite, are ready to move. As you know, there is a bureaucratic process to go through with the BLM of the federal government. I would estimate that we are about 50 percent through that. I think we will complete the plan this year. In the meantime, we will continue to participate in the county plan so that the species are covered.

Assemblywoman Pierce:

Who oversees these plans? Does the BLM occasionally come in and check the plan to make sure you are doing what you are supposed to be doing and everything is according to Hoyle?

Warren Hardy:

Yes, the BLM and the Fish and Wildlife Service oversee this, and we are required under the terms of the plan to hire administrators and environmental folks to come in and make sure that everything is in compliance. Trust me, they check this regularly.

Peggy Pierce:

Does this bill mean that Las Vegas is going to have its own zone? Is everybody going to have their own zone for moving endangered species?

Warren Hardy:

No, this bill does not address that at all. You would have to go to the BLM and Fish and Wildlife, as we are, to get permission to create your own plan. They would have to set up the parameters. This does not impact that at all. This codifies two things: our ability to collect legally a fee we have been collecting for some time; and our ability to retain it in the City of Mesquite for creating and administering our own plan. Those are the only two things this legislation does.

Assemblyman Stewart:

I am concerned about the state insect. Will the Vivid Dancer Damselfly be included in your plan?

Warren Hardy:

If that is on the endangered species list, it most certainly will, but if it is not, it most certainly will not be included.

Assemblywoman Neal:

I was reading over the amendment and there is something I do not understand. You have been collecting the fee. You did not have a plan, but you were operating under the Clark County plan. Now you want your own plan so you can use the money for your plan. What were you using the money for before this plan?

Warren Hardy:

Under the terms of the current statute, and under the terms of the ESA, the plan that covers all of Clark County and every entity within Clark County is the Clark County plan. We were participating in that. The way the process works is every billing department collects the fee that is required and then it is submitted to Clark County for the administration of the program. We were collecting the fee locally and submitting it to Clark County for that plan. So that money has been spent to cover the plan that has covered us for all of these years.

A couple of things happened, including the Mesquite Land Act, which indicated that we need to participate in a plan or create our own plan. Then, I do not know if we discovered it or if these species were added. I do not want to be quoted on that later, but we discovered that there are three or four aquatic species specific to the Virgin River that are not included in Clark County's plan. So, we went to Clark County and said, "Okay, what are we going to do here? Either we have to add those species to the Clark County plan, or we have to create our own." Everybody involved in those discussions felt that we were better off collecting the fee locally and creating our own plan to cover the five species that we impact in the Virgin Valley, instead of forcing the rest of the entities to pay to cover those four aquatic or riparian species that are exclusive to the Virgin Valley. We did not think it was fair for other entities that are not impacted to have coverage taken to participate in that. That is what led to the decision to do our own.

Because of those riparian species, we created a second fee at the Virgin River because we knew we would have to provide coverage for those species. So really, those who are developing in Mesquite currently are paying double for the fee. Creating our own fee will allow for one study to cover all of the species that are potentially impacted in the Virgin River area.

Assemblywoman Neal:

Three species made this come into existence. How much is the total aggregate fee?

Warren Hardy:

The current fee is \$550 per acre as provided by the statute.

Assemblywoman Neal:

Yearly, how much is collected?

Warren Hardy:

If you are a developer and you are going to develop four acres of land, you have to pay \$550 per acre, one time. It is not an annual fee, and it is not ongoing. It is a development fee that the developer pays to be included in the coverage. If they opt out, then they have to independently create and administer their own study, which costs millions of dollars. Therefore, everybody participates in the study. Since the inception of the fee, I think about \$36 million has been collected, and about \$1.7 million from the Virgin River area.

Chairwoman Benitez-Thompson:

Could you talk a little more about the money being kept in Mesquite, and about you folks coming up with your own plan? What is the governance structure for that plan? Is it your city council? Is it an elected board? Tell me more about the structure, and who is working on that plan.

Warren Hardy:

I am not really very well versed on the details of that. I know all of that is overseen by the Fish and Wildlife Service and the BLM, and they require a committee made up of representatives of all the impacted agencies, and they are the ones who oversee it.

Chairwoman Benitez-Thompson:

So they are agency heads or designees from different agencies within the Mesquite area?

Warren Hardy:

I am going to get you the exact answer on that, but that is my understanding. Again, I want to indicate that this is not my area of expertise, and I want to verify that. It says right here I have to represent truthfully. I did not know that until I saw it.

Chairwoman Benitez-Thompson:

Okay, get that back to me. To clarify, have you been collecting the fee and keeping it in the local area or has it been collected and going to Clark County?

Warren Hardy:

We have been collecting it like every other entity in southern Nevada, and submitting it to Clark County for that conservation plan. This bill will allow us to keep the fee going forward—not retroactively. I would indicate, just in the interest of full disclosure that there are some discussions going on with Clark County and the BLM to allow us to go back and recover some of the money that we have paid into the fund over the past many years. However, it is unclear as to whether that will ultimately be part of it.

Chairwoman Benitez-Thompson:

For clarification, since the money will be staying in Mesquite, the oversight for those funds is the board that you will get me information on?

Warren Hardy:

Yes, I will find out exactly how the oversight will take place.

Chairwoman Benitez-Thompson:

I think those would be two good things to know. We know that this bill is not retroactive, but if the money had been staying in Mesquite, it would be about \$1.7 million for the fund that this board would have been overseeing?

Warren Hardy:

That is correct.

Chairwoman Benitez-Thompson:

Are there additional questions from Committee members? Seeing none, thank you for answering our questions. I will open up for testimony in support.

Lisa Foster, representing Nevada League of Cities and Municipalities, and City of Boulder City:

The Nevada League of Cities and Municipalities and Boulder City are in support of this bill. We think it makes sense to put into state law what is already happening in federal law.

Chairwoman Benitez-Thompson:

Thank you. Are there questions? [There were none.]

Dan Musgrove, representing City of North Las Vegas:

In the interest of expediency, ditto.

Chairwoman Benitez-Thompson:

Thank you, Mr. Musgrove. Do we have any testimony from Clark County? Seeing none, we will move into testimony in opposition. Seeing none, is there

any testimony in neutral? [There was none.] Are there any closing comments from the bill sponsor? [There were none.] I do want to get those two pieces of information back from Mr. Hardy on just who that oversight committee is so we know who is managing the funds, just so we can make sure we get that on the legislative record. If additional committee members come up with questions, you have until tomorrow to get them answered. So, find Mr. Hardy if you have questions. I will go ahead and close this hearing on A.B. 382. We will take a ten-minute recess before we start our work session.

[The Committee recessed from 9:35 a.m. to 9:50 a.m.]

We will bring the Committee on Government Affairs back to order. Just so folks know, we are going to be moving Assembly Bill 417 to tomorrow's work session agenda. You will see that agenda for tomorrow posted in a couple of hours. We will go ahead and start our work session with Assembly Bill 27, and I will hand it off to Committee Policy Analyst Jennifer Ruedy.

Assembly Bill 27: Expands the category of personnel of the Department of Public Safety upon whom the powers of a peace officer are conferred. (BDR 23-335)

Jennifer Ruedy, Committee Policy Analyst:

Assembly Bill 27 was heard by the Committee on February 5, 2013. You will see on the special notes section that there was a bill passed last session, Senate Bill No. 45 of the 76th Legislative Session, which amended NRS Chapter 289.270 to expand the category of personnel of the Department of Public Safety upon whom the powers of a peace officer are conferred. [Continued to read from work session document ([Exhibit E](#)).]

Chairwoman Benitez-Thompson:

I know it has been a long time since we heard this one. I think we heard it in week one or two of the session. I will accept a motion to do pass.

ASSEMBLYMAN STEWART MOVED TO DO PASS
ASSEMBLY BILL 27.

ASSEMBLYMAN OSCARSON SECONDED THE MOTION.

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

Chairwoman Benitez-Thompson:

Are there any comments? [There were none.] I will go ahead and assign that floor statement to Assemblyman Oscarson. We will move on to Assembly Bill 41.

Assembly Bill 41: Makes various changes to provisions relating to state purchasing. (BDR 27-283)

Jennifer Ruedy, Committee Policy Analyst:

Assembly Bill 41 was heard by the Committee on February 13, 2013. You have a few different documents on this bill. The work session document ([Exhibit F](#)) shows a summary of the bill as introduced. Then, there is the mock-up provided by Kimberlee Tarter that shows the amendments. In addition, Kimberlee Tarter presented a summary of the amendments, a separate document which was just handed out this morning, and that should be up on Nevada Electronic Legislative Information System (NELIS), as well ([Exhibit G](#)).

Assembly Bill 41 moves the provisions governing contracting with current and former state employees from the section of the law relevant to personnel to the section relevant to state purchasing. The section moved will require the using agency to submit a written disclosure to the State Board of Examiners (SBOE) regarding the services to be provided and specifying when approval by the SBOE must occur. [Continued reading work session document ([Exhibit F](#)) and referenced mock-up with amendments.]

Chairwoman Benitez-Thompson:

Lots of work went into this bill. I want to thank all those who did work on this bill and who helped Kimberlee Tarter and the Department of Administration on this. I will accept a motion to amend and do pass as is presented in the mock-up.

ASSEMBLYWOMAN NEAL MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 41.

ASSEMBLYMAN DALY SECONDED THE MOTION.

Chairwoman Benitez-Thompson:

Are there any questions? [There were none.]

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

Chairwoman Benitez-Thompson:

I will assign that floor statement to Assemblywoman Bustamante Adams.

We will move on to Assembly Bill 103.

Assembly Bill 103: Revises provisions relating to school police officers.
(BDR 23-152)

Jennifer Ruedy, Committee Policy Analyst:

Assembly Bill 103 was heard on March 6, 2013. Assembly Bill 103 as introduced, removes school police officers from the list of category II peace officers, making them category I peace officers with unrestricted duties. [Continued to read from work session document ([Exhibit H](#)).]

However, there is an amendment ([Exhibit H](#)) which deletes that provision that would repeal the limitation on the jurisdiction of school police officers so they again have the limited jurisdiction as set forward. At the end of the mock-up, if you will look on page 5, the text of the repealed section is included there. That is getting put back in the bill. It further clarifies that specific statute by stating, "While en route between properties, buildings and facilities of the school district when the school police officer witnesses a crime in progress." That would be amended into that statute regarding the jurisdiction of school police officers. [Continued to read from work session document ([Exhibit H](#)).]

Chairwoman Benitez-Thompson:

We have Assembly Bill 103 before us. We heard a lot of testimony on this. I think it is important to note that one of the amendments is repealing the changes to the jurisdiction, so the jurisdiction does not change. We keep the school police on school police grounds, but it does change them to category I, and I know that we will have some comments on that. I will accept a motion to amend and do pass as presented in the mock-up.

ASSEMBLYMAN HEALEY MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 103.

ASSEMBLYWOMAN NEAL SECONDED THE MOTION.

Chairwoman Benitez-Thompson:

Are there any comments?

Assemblyman Stewart:

I appreciate the efforts to make this bill more palatable, but I still have issues with it. I think things are working well as they are, and so I will be voting no on this. Thank you.

Chairwoman Benitez-Thompson:

Thank you, Assemblyman Stewart. Are there further comments for the record?

Assemblyman Elliot Anderson:

I just wanted to say that I do appreciate the bill sponsor's mock-up, and I am going to support it. He did satisfy my concerns. If you recall, I did have a number of issues with this legislation while it was moving forward. I think this is decent language to try to clarify that the things I think are already inherent—that school officers can respond to crimes that they see when they are moving around—and if this helps them feel better about liability purposes, I can support that. I want to thank the bill sponsor, and I will be voting yes.

Chairwoman Benitez-Thompson:

I think we have some opposition on the record, so I think we are good there.

THE MOTION PASSED. (ASSEMBLYMEN ELLISON, OSCARSON, STEWART, AND WOODBURY VOTED NO. ASSEMBLYMEN LIVERMORE AND MUNFORD WERE ABSENT FOR THE VOTE.)

Chairwoman Benitez-Thompson:

I will assign that floor statement to the bill sponsor. We will move to Assembly Bill 218.

Assembly Bill 218: Revises provisions relating to public works. (BDR 28-981)

Jennifer Ruedy, Committee Policy Analyst:

Assembly Bill 218 was heard by the Committee on March 12, 2013. There were several fiscal notes, all with zero impact except Carson City with \$30,000, City of Las Vegas with \$3,000, and Douglas County with \$2.

Assembly Bill 218 defines "bona fide fringe benefit" for the purposes of the State laws applicable to public works as a benefit in the form of a contribution that is made not less frequently than monthly to an independent third party pursuant to a fund, plan, or program: (1) Which is established for the sole and exclusive benefit of a worker and his or her family and dependents; and (2) For which none of the assets will revert to, or otherwise be credited to, any contributing employer or sponsor of the fund, plan, or program. [Continued to read from work session document ([Exhibit I](#)).]

Chairwoman Benitez-Thompson:

Thank you very much. I know that there was a lot of work to put into this bill by a number of different people. There are two proposed amendments. I will accept a motion to amend and do pass with amendment number 1, which represents that mock-up in front of us.

ASSEMBLYWOMAN NEAL MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 218.

ASSEMBLYWOMAN SWANK SECONDED THE MOTION.

Chairwoman Benitez-Thompson:

Now that we have the motion, I will take comments.

Assemblyman Stewart:

I appreciate the hard work of making this bill as good as it is. I would have appreciated that second amendment, so I still have some issues, and I will be voting no. Thank you.

Assemblyman Ellison:

I appreciate the hard work on this bill. In addition, I apologize for the amendment that we proposed at the last minute in an attempt to work out some of the issues, especially page 7, lines 35, 36, and 37. We did not reach an agreement, so I, too, will be voting no.

THE MOTION PASSED. (ASSEMBLYMEN ELLISON, OSCARSON,
STEWART, AND WOODBURY VOTED NO. ASSEMBLYMEN
LIVERMORE AND MUNFORD WERE ABSENT FOR THE VOTE.)

Chairwoman Benitez-Thompson:

I will assign that floor statement to Assemblyman Daly.

We will move to Assembly Bill 281.

Assembly Bill 281: Revises provisions relating to recordkeeping on public works projects. (BDR 28-1070)

Jennifer Ruedy, Committee Policy Analyst:

Assembly Bill 281 was heard on March 25, 2013. It requires a contractor and a subcontractor engaged on a public work to keep or cause to be kept certain records about the workers who are employed by the contractor and subcontractor in connection with the public work, including the gender and ethnicity of such worker, but only if the worker agrees to supply such

information voluntarily. Such records must be open at all reasonable hours to the inspection of the public body that awarded the contract and are considered public records of the public entity ([Exhibit J](#)).

There were several fiscal notes on this bill. Again, most of them were zero-impact. The City of Las Vegas had an \$83,000 fiscal note, and Douglas County had a \$2 fiscal note, Douglas County School District, that is. All others were zero. Thank you.

Chairwoman Benitez-Thompson:

We have no amendments to this bill, so I will accept a motion to do pass.

ASSEMBLYMAN DALY MOVED TO DO PASS
ASSEMBLY BILL 281.

ASSEMBLYWOMAN PIERCE SECONDED THE MOTION.

Chairwoman Benitez-Thompson:

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

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

Chairwoman Benitez-Thompson:

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

We will move to Assembly Bill 312.

**Assembly Bill 312: Makes various changes to the Charter of Carson City.
(BDR S-41)**

Jennifer Ruedy, Committee Policy Analyst:

Assembly Bill 312 was heard by the Committee on March 21, 2013. Assembly Bill 312 revises the process for the appointment of a Charter Committee to advise the Board of Supervisors concerning potential amendments to the Charter of Carson City. [Continued to read from work session document ([Exhibit K](#)).]

There is a mock-up that was provided by the bill sponsor. It clarifies that the Mayor, and each member of the Board of Supervisors, and the Assembly and Senate, each get to appoint a member. It also clarifies the term is to be served concurrently to the term of the public officer by whom he or she was appointed,

or at the pleasure of that public officer. [Continued to read from work session document ([Exhibit K](#)).]

Chairwoman Benitez-Thompson:

Assemblyman Livermore is at a bill presentation. He has a bill hearing this morning. He was regretful that he could not be here to vote in support of his own bill. I know this is important to him. I will take a motion to amend and do pass as represented in the mock-up.

ASSEMBLYMAN STEWART MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 312.

ASSEMBLYWOMAN NEAL SECONDED THE MOTION.

Chairwoman Benitez-Thompson:

Are there any comments? [There were none.]

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

Chairwoman Benitez-Thompson:

I will assign those floor statements to the bill sponsor.

We will move to Assembly Bill 408.

Assembly Bill 408: Revises provisions governing business impact statements prepared by state agencies and governing bodies of local governments. (BDR 18-416)

Jennifer Ruedy, Committee Policy Analyst:

Assembly Bill 408 was heard on April 1, 2013. Assembly Bill 408, as introduced, requires a state agency to make a concerted effort to determine the impact of a proposed regulation and to conduct an independent analysis of the likely impact of the proposed regulation on small business. The measure imposes a similar requirement on the governing body of a local government with respect to a proposed rule. [Continued to read from work session document ([Exhibit L](#)).]

Chairwoman Benitez-Thompson:

This was another bill which had a lot of moving pieces and a lot of different folks involved in coming together on this language. I thank them all for working with the bill sponsor. As our policy analyst noted, there are two amendments that you see on the work session document, but the first amendment is

presented in the mock-up. I will take a motion to amend and do pass Assembly Bill 408 as presented in the mock-up, with the addition of the removal of the word "independent."

ASSEMBLYMAN ELLIOT ANDERSON MOVED TO AMEND AND DO
PASS ASSEMBLY BILL 408.

ASSEMBLYWOMAN BUSTAMANTE ADAMS SECONDED THE
MOTION.

Chairwoman Benitez-Thompson:

Are there any comments on the motion?

Assemblyman Elliot Anderson:

I just wanted to go on the record, and I suppose I am doing that by making the motion, but I also want to note that I think this is a great concept. I think we should always be thinking about how what we do here and what we do in the administrative arena affect people. I am proud to be in support.

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

Chairwoman Benitez-Thompson:

We will assign that floor statement to the bill sponsor.

Assembly Bill 417: Makes various changes relating to redevelopment. (BDR 22-234)

[Bill not heard.]

We will move to Assembly Bill 418.

Assembly Bill 418: Revises provisions relating to the distribution of proceeds from certain taxes ad valorem. (BDR 31-1087)

Jennifer Ruedy, Committee Policy Analyst:

Assembly Bill 418 was heard by the Committee on April 3, 2013. Assembly Bill 418 revises the formula for distributing the proceeds from a property tax that county commissioners may levy at a rate not to exceed 5 cents per \$100 of the assessed valuation of the county. The proceeds are distributed among the county and the cities and towns in the county. [Continued to read from work session document ([Exhibit M](#)).]

Chairwoman Benitez-Thompson:

I know that Assemblyman Stewart and Assemblyman Daly worked really hard with the bill sponsor and the different locals on this language. When I first saw this bill I thought there would be a big fight between a whole bunch of locals and the county and nothing would get worked out, but it did get worked out. I am happy about that. You have the language in front of you clarifying that the county, upon receipt of 40 percent of the proceeds shall retain 30 percent, and the remainder of the proceeds are distributed among the unincorporated towns and cities within the area. That is the agreement that was reached. I have the bill with the mock-up here, and I will accept a motion to amend and do pass as presented in the mock-up.

ASSEMBLYWOMAN NEAL MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 418.

ASSEMBLYMAN STEWART SECONDED THE MOTION.

Chairwoman Benitez-Thompson:

Are there comments on the motion?

Assemblyman Stewart:

I hope that you will put on the record in bold letters that Assemblyman Daly and Assemblyman Stewart worked together on this bill. I appreciate Assemblyman Daly's hard work, and also the cities and county that worked so hard on this.

Assemblywoman Neal:

I would like clarification for the record in the mock-up, on section 1, subsection 2, paragraph (b), subparagraph 6, subparagraph (I). I would like clarification on the receipt of 40 percent of those proceeds. If the policy analyst could just flesh out the background to that a little bit. You could have Assemblyman Stewart speak to that deal that was agreed upon and the way it is written.

Chairwoman Benitez-Thompson:

I think what Assemblywoman Neal is looking for is just assurance that the language represents the deal that was agreed upon.

Mike Cathcart, representing City of Henderson:

Yes, the language in the mock-up does reflect the agreement that we came to.

Yolanda T. King, representing Clark County:

Ditto.

Chairwoman Benitez-Thompson:

I have a motion on the floor. All those in favor please say "AYE."

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

Chairwoman Benitez-Thompson:

That is our work session for today. We have another work session tomorrow, Committee. We will adjourn until 9:00 a.m. Please keep an eye out for work session documents posting on NELIS in about three hours, ideally. Committee members will be notifying you via email this afternoon once we have all of those work session documents posted. Is there any public comment? Seeing none, this meeting is adjourned [at 10:29 a.m.].

RESPECTFULLY SUBMITTED:

John Budden
Committee Secretary

APPROVED BY:

Assemblywoman Teresa Benitez-Thompson, Chairwoman

DATE: _____

EXHIBITS

Committee Name: Committee on Government Affairs

Date: April 11, 2013

Time of Meeting: 9:16 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 382	C	Assemblyman Crescent Hardy	Prepared Remarks
A.B. 382	D	Warren Hardy / Clark County Desert Conservation Program	Amendment
A.B. 27	E	Jennifer Ruedy, Committee Policy Analyst	Work Session Document
A.B. 41	F	Jennifer Ruedy	Work Session Document
A.B. 41	G	Kimberlee Tarter/Department of Administration	Summary of Amendment
A.B. 103	H	Jennifer Ruedy	Work Session Document
A.B. 218	I	Jennifer Ruedy	Work Session Document
A.B. 281	J	Jennifer Ruedy	Work Session Document
A.B. 312	K	Jennifer Ruedy	Work Session Document
A.B. 408	L	Jennifer Ruedy	Work Session Document
A.B. 418	M	Jennifer Ruedy	Work Session Document