

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Seventy-Seventh Session  
May 2, 2013**

The Committee on Legislative Operations and Elections was called to order by Chair James Ohrenschall at 4:06 p.m. on Thursday, May 2, 2013, in Room 3142 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:**

Assemblyman James Ohrenschall, Chair  
Assemblywoman Lucy Flores, Vice Chair  
Assemblyman Elliot T. Anderson  
Assemblyman Wesley Duncan  
Assemblyman Pat Hickey  
Assemblyman Andrew Martin  
Assemblyman James Oscarson  
Assemblyman Tyrone Thompson

**COMMITTEE MEMBERS ABSENT:**

Assemblywoman Marilyn K. Kirkpatrick (excused)  
Assemblyman Harvey J. Munford (excused)

**GUEST LEGISLATORS PRESENT:**

Senator Pete Goicoechea, Senatorial District No. 19  
Assemblyman John Ellison, Assembly District No. 33  
Senator Tick Segerblom, Clark County Senatorial District No. 3  
Senator Michael Roberson, Clark County Senatorial District No. 20  
Senator Joyce Woodhouse, Clark County Senatorial District No. 5  
Senator Justin C. Jones, Clark County Senatorial District No. 9

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**STAFF MEMBERS PRESENT:**

Susan Scholley, Committee Policy Analyst  
Kevin Powers, Committee Counsel  
Karen Pugh, Committee Secretary  
Macy Young, Committee Assistant

**OTHERS PRESENT:**

Steve Bradhurst, Executive Director, Central Nevada Regional Water Authority  
Andy Belanger, Management Services Manager, Southern Nevada Water Authority  
Jason King, P.E., State Engineer, Division of Water Resources, Department of Conservation and Natural Resources  
Jayne Harkins, P.E., Executive Director, Colorado River Commission  
Steve Walker, representing Truckee Meadows Water Authority  
Nancy E. Hart, representing Nevada Coalition Against the Death Penalty  
Michael Pescetta, Private Citizen, Las Vegas, Nevada  
Scott Coffee, Attorney, Office of the Public Defender, Clark County  
Steve Yeager, Attorney, Office of the Public Defender, Clark County  
Marlene Lockard, representing Nevada Women's Lobby  
Vanessa Spinazola, Legislative and Advocacy Director, American Civil Liberties Union of Nevada  
Stacey Shinn, representing Progressive Leadership Alliance of Nevada  
Allan Smith, representing Religious Alliance in Nevada  
John T. Jones, representing Nevada District Attorneys Association  
Wes Henderson, Executive Director, Nevada League of Cities and Municipalities  
Javier Trujillo, Intergovernmental Relations Manager, City of Henderson  
Liane Lee, representing City of Las Vegas  
Jeffrey Fontaine, representing Nevada Association of Counties  
Barry Gold, representing AARP of Nevada  
Martin Bibb, Executive Director, Retired Public Employees of Nevada  
Tina Gerber-Winn, Deputy Administrator, Aging and Disability Services Division, Department of Health and Human Services

**Chair Ohrenschall:**

[Roll was taken.] Today we are going to start with Assembly Bill 301.

**Assembly Bill 301: Requires the Legislative Committee on Public Lands to conduct a study concerning water conservation and alternative sources of water for Nevada communities. (BDR S-807)**

**Assemblyman James Oscarson, Assembly District No. 36:**

With me today is Steve Bradhurst from the Central Nevada Regional Water Authority and Andy Belanger from the Southern Nevada Water Authority. We have been fortunate to work together on this measure and to reach agreement on a key amendment to this bill. Assembly Bill 301 speaks to a very important issue to my constituents and to the state as a whole—which is water. Since we are overdue for a water study and money is tight, I am not proposing a separate interim study. Instead, the bill asks the Legislative Committee on Public Lands to study the issues. [Read from prepared testimony ([Exhibit C](#)).]

**Chair Ohrenschall:**

You know, a lot of people told me that this bill was all wet. But I am glad that you moved forward and decided to press on. Are there any questions for Assemblyman Oscarson? [There were none.]

**Steve Bradhurst, Executive Director, Central Nevada Regional Water Authority:**

The Central Nevada Regional Water Authority is an eight-county unit of local government that covers 65 percent of the state. The Central Nevada Regional Water Authority supports the bill and the amendment. [Read from written testimony presented to the Committee ([Exhibit D](#)).]

When it is all said and done, Assembly Bill 301 is about water supply, an issue on the front burner in Nevada that speaks to the value of our natural resources and economic well-being. [Read from prepared text ([Exhibit D](#)).]

The amendment before you is supported by both the Central Nevada Regional Water Authority and the Southern Nevada Water Authority ([Exhibit E](#)). I would like to draw your attention to page 1, lines 3 through 6 of the bill, where it states that Nevada is one of the most arid states in the U.S. Actually, Nevada is the most arid state in the United States. [Read from prepared text ([Exhibit D](#)).]

Section 1 of the amendment details what water conservation and alternative sources of water should be examined. The definition of alternative sources of water is not all-inclusive, but if you take a look at the second page of the amendment, it talks about "interbasin transfers of water, agricultural water conservation, urban water conservation, cloud seeding, and water reuse, such as reclaiming wastewater, using graywater or capturing rainwater." [Read from proposed amendment ([Exhibit E](#)).]

The water in Nevada belongs to the people and is a public asset. As the Legislature represents the public, it seems appropriate that the legislative committee responsible for water issues, the Public Lands Committee, take a

look at alternative sources of water, and water supply in general, during the interim.

**Andy Belanger, Management Services Manager, Southern Nevada Water Authority:**

The Water Authority has a long history of looking at alternate sources of water. We believe that a portfolio approach to water use is the best way to make sure that we have water in times of drought. If we get all of our water from a single source, it can put us in a really bad situation if that one source of water is affected by drought, climate change, or any other adverse condition. In 2006, we supported an augmentation study of the Colorado River and this last year we participated in the Colorado River Basin Study, which looked at the possible shortages that may occur on the river over the next 50 years. It is possible that we could see a regional shortage on the river of between 3 million and 8 million acre feet of water. That is a staggering amount of water. The low range of that estimate is 10 times the amount of water Nevada receives.

There is a significant need to study alternate sources of water. Conservation is always the cheapest way to expand a water resource. We are pleased that the amendment focuses on that. It provides an opportunity for us to study how the state is doing in water conservation and allows us to look at all alternate sources of water, including interbasin transfers, and at agricultural and urban water conservation.

**Chair Ohrenschall:**

Are there any questions?

**Assemblyman Martin:**

Assemblyman Oscarson, we have had several conversations off line about desalination of ocean water. Section 1, subsection 1, paragraph (c) of the bill directs the study to consider desalination. To expand on this, I am wondering if there has been any contemplation of some kind of exchange, such as generating solar power for export to California in exchange for water. Is there any contemplation of working together similar to the Southwestern Renewable Energy Conference concept?

**Assemblyman Oscarson:**

The study would give all those options to us. When you talk about desalinization and the different ways that it can be done, whether trading power for water or something else, I think that is exactly what this study is about. We would examine all of those options over the interim and bring that information back in a clearly focused study that would identify those opportunities.

**Chair Ohrenschall:**

It seems we got the short end of the stick in dividing up the Colorado River water. Do you think the study should look at trying to reopen the U.S. Supreme Court case *Arizona v. California*, 373 U.S. 546, 83 S.Ct. 1468 (1963) to see if we could get more?

**Andy Belanger:**

The Colorado River Compact, codified by Congress in 1928, is the basis of how water is divided among the seven basin states. In 1944, Mexico received an apportionment of the river. I think all seven states recognize that any attempt to reopen the base allocations would necessitate truing up the actual flows on the river. Unfortunately, when we divided the river we based it on a very optimistic look at how much water flowed into it. It is at least 2 million acre feet over appropriated, and that figure could be considerably more as climate change affects us. Opening up the compact requires every state to agree, and it has to be approved by Congress, which is a difficult thing to do.

The upshot is that the seven basin states can decide to make changes inside the confines of the compact. While we may not be able to change the base allocations, we can do several things. We have partnered with California and Arizona on desalination efforts in Yuma, partnered with Mexico on efforts to line agricultural ditches to save water and bank it. There is a lot of flexibility that the basin states can exercise, but changing the base allocations of the basin states is something that would be very difficult to do.

**Chair Ohrenschall:**

Thank you for explaining that. This question is directed to Mr. Bradhurst. Some arid states allow people to purchase water and have it trucked in as a supply of water for their home or farm. Nevada does not. I wondered if you could expand on why that is and if that might be something the committee would want to look at.

**Steve Bradhurst:**

I will attempt to answer that question; however, sitting behind me is the State Engineer, who is probably far more qualified to answer it. As a former elected county commissioner and director of a water utility, on the surface I can tell you that it seems you are on thin ice when you allow a development to be based on water trucked in from another source. The focus for a water purveyor is whether or not there is an identified, sustainable water supply. If you are trucking water in for a development, the question would be whether that is a sustainable water supply for the future, and if not, where do you go to get water?

**Chair Ohrenschall:**

Are there any other questions from the Committee? [There were none.]

**Senator Pete Goicoechea, Senatorial District No. 19:**

Most of you know I am very passionate about water and concerned about the over appropriation of water in Nevada, whether it be ground or surface water. I think we are rapidly approaching the cliff and therefore I am very supportive of this bill. The study is appropriate and there is no fiscal note. If Public Lands can absorb this study, I believe it would be good for Nevada.

**Chair Ohrenschall:**

Are there any questions for Senator Goicoechea?

**Assemblyman Thompson:**

It sounds as if this is an urgent matter. Why would the report not be ready until February 1, 2015?

**Senator Goicoechea:**

Typically these committee studies work through the interim and report back at the next legislative session, which would be February 1, 2015. We would then have the opportunity as legislators to take action on what we see as concerns.

This study is going to collect a lot of data as far as the drought is concerned. It looks like we are going into another very dry year, especially here in the north. Realistically, a ten-year study would be appropriate, if you want to get baseline data. But for an interim study, we can look for alternative sources of water, such as desalination and graywater, as well as conservation of water. Some of our groundwater basins, such as Diamond Valley and the Pahrump Valley in my district, are significantly over appropriated. But until we have accurate data, it is hard to say what should be done.

**Chair Ohrenschall:**

Are there any other questions for the Senator? [There were none.]

**Assemblyman John Ellison, Assembly District No. 33:**

I support A.B. 301 because I believe this is an important study. I remember last session when desalination came up in committees that many of us were on. I think this is a way to start to look at this area and several different possibilities for the future.

**Chair Ohrenschall:**

Are there any questions for Assemblyman Ellison? [There were none.]

**Jason King, P.E., State Engineer, Division of Water Resources, Department of Conservation and Natural Resources:**

Our office is obviously in support of this bill. Any bill that looks to study ways to stretch our limited water supply is something we are in favor of.

**Chair Ohrenschall:**

I asked Mr. Bradhurst about people purchasing water and having it brought out. Why does it work in other states but is not a good fit for Nevada?

**Jason King:**

I would like to answer that question in two parts. The answer that Mr. Bradhurst gave you is true in terms of a subdivision of homes being supplied with water. Our office, for example, has signatory authority over all subdivisions built in the state. Before we can sign off on a subdivision we have to get what is called a "will serve letter" from the local purveyor—such as the Truckee Meadows Water Authority, the Southern Nevada Water Authority, or Tonopah Public Utilities—that says whether they have the water available to serve these 50 homes in the subdivision. Based on that "will serve letter," we will sign off on that subdivision map.

If there is a single-family dwelling on a domestic well that goes dry, they are then looking for an alternate water source and there is no municipality nearby to serve that home. I have been asked before whether that homeowner could truck water in, and the answer is that we are okay with that. I know sometimes the homeowner has trouble with the local government because they have an issue with trucked-in water, but frankly that is not something in our statute that we would disallow. A caveat would be if they were going to deliver water from Washoe County. Our office would want to make sure that Washoe County had a water right for municipal use that covered this single-family dwelling. Other than that, we would not have a problem.

**Chair Ohrenschall:**

Are there any other questions? [There were none.] Is there anyone else here in support of A.B. 301?

**Jayne Harkins, P.E., Executive Director, Colorado River Commission of Nevada:**

We are the state agency that holds the water rights on the Colorado River and the hydropower generated on the Colorado River for the benefit of the state of Nevada. I want to state for the Committee that we support the bill as amended. The Colorado River Commission is available to assist the Legislative Committee on Public Lands with this study.

**Chair Ohrenschall:**

Are there any questions for Ms. Harkins? [There were none.] Is there anyone in opposition to A.B. 301? [There was no response.] Is there anyone who is neutral who would like to be heard?

**Steve Walker, representing Truckee Meadows Water Authority:**

The Truckee Meadows Water Authority Board is neutral on the bill. We have looked at our water resources and have planned for them over the next 30 years under a variety of population scenarios, and believe we have adequate ground and surface water resources. We will gladly participate in the study, but I do not think our entity is the focus.

**Chair Ohrenschall:**

Are there any questions for Mr. Walker? [There were none.] Are there any closing remarks you would like to make, Assemblyman Oscarson?

**Assemblyman Oscarson:**

I think you have heard today from experts with multiple years of knowledge on water issues. I appreciate every one of them coming and testifying and helping us to work this through.

[Assemblyman Oscarson submitted a written statement from the Nye County Water District indicating support of A.B. 301 ([Exhibit F](#)).]

**Chair Ohrenschall:**

I will now close the hearing on Assembly Bill 301 and open the hearing on Assembly Bill 444, which is a Committee bill that will be presented by Nancy Hart.

**Assembly Bill 444: Provides for an audit of the fiscal costs of the death penalty. (BDR S-817)**

**Nancy E. Hart, representing Nevada Coalition Against the Death Penalty:**

It is my pleasure to introduce Assembly Bill 444, which as Chair Ohrenschall mentioned is a Committee bill. This bill is almost identical to a bill from last session, Assembly Bill No. 501 of the 76th Session, which was passed by the Legislature but vetoed by the Governor. Nevada continues to spend an enormous amount of money maintaining its death penalty. One example of that is this legislative body, through the Assembly Ways and Means Committee, has been considering whether to spend \$700,000 on a new execution chamber. We believe an in-depth study of the cost of Nevada's death penalty is warranted. Decisions about how and whether the death penalty works rest squarely on lawmakers' shoulders. When so much is at stake, legislators should



have complete information available to them, including information about the fiscal impact of maintaining a death penalty system.

The Governor's veto message expressed concerns about a lack of specificity in certain areas of A.B. No. 501 of the 76th Session. Assembly Bill 444 has been specifically drafted to address those concerns. Subsections 3, 4, and 5 of section 1 of the bill all include additional details about factoring in litigation choices, auditing standards, and methodologies, which the Governor's veto message expressed concern about. At this time, I would like to defer to Michael Pescetta and Scott Coffee, who are testifying from Las Vegas, and I will resume with further remarks after their presentations.

**Chair Ohrenschall:**

Ms. Hart, Senator Segerblom is here and if you do not mind, I would like to ask him to comment first. Senator Segerblom carried this legislation during the last two sessions.

**Senator Tick Segerblom, Clark County Senatorial District No. 3:**

This bill is an example of doing the same thing over and over again and expecting a different result, but you never know—it sometimes works. The death penalty clearly does not. We prosecute too many people, and a study of the current system, to determine why there are so many death penalty charges, is needed. Did you know the cost to prosecute a death penalty case is double that of a case involving life without the possibility of parole? If there is a way to reduce the number of people that are charged and reduce that cost, it would be a great savings for our state. That is why I think we have to do this audit. It will be done by staff so there is no additional cost to the state.

**Chair Ohrenschall:**

Ms. Hart mentioned the Governor's 2011 veto message and his concerns about specificity. The Committee, our Legislative Counsel Bureau staff, and I have incorporated all those concerns into Assembly Bill 444. Are there any questions for Senator Segerblom?

**Assemblyman Hickey:**

As someone who voted for this study last time in this Committee and is part of the discussion going on in Ways and Means about the need for building an execution chamber, one of the things that occurred to me during that testimony is how often executions do not happen in this state. There are a myriad of legal reasons for that. I am wondering what is better about this bill as opposed to last session's bill.

**Senator Segerblom:**

As far as being better, I think it is because you have addressed the concerns that the Governor raised in his veto message. The reality is that the same issue remains. Why would Clark County have as many people being charged with the death penalty as Los Angeles County? Why does Washoe County have one person being charged and Clark County has 80 ([Exhibit G](#))? Something is out of whack. Given the astronomical cost when the death penalty is designated, the tight resources, and the fact that people are not being executed—we do not even have an execution chamber—it is one of those things that is ripe to be investigated.

**Nancy Hart:**

You are right that there have been relatively few executions in Nevada. Since 1977, when it became legal to execute again, we have executed 12 people. But there are 79 individuals on Nevada's death row ([Exhibit H](#)), and as Senator Segerblom has mentioned, about 80 additional cases that are pending in Clark County. We are using the death penalty and spending enormous amounts of money maintaining a death penalty system. We are creating a backlog, and there will come a time, if we do not get rid of the death penalty, when all of those people will be executed. The costs continue to accrue even if we are not carrying out executions as often as one might think we ought to.

**Assemblyman Hickey:**

The problem that you are hinting at is sentencing resulting in death penalty decisions all too often. So a study is going to get at whether that is the appropriate sentence or not. Do we need to change other laws and does a study like this lead towards that?

**Senator Segerblom:**

I believe it could, if you look at the nature of the cases that are being charged and ask if we have too many criteria that make a case death penalty-eligible. Why would Clark County have as many as Los Angeles County? Maybe we can establish a review panel where only the top cases are reviewed by outside experts to decide whether to pursue the death penalty. It is easy to say this is a horrendous crime and we need to do it, but wiser heads have to step back and say this is going to cost \$1 million and we have a lot of things we can do with \$1 million other than try to prosecute somebody who is never going to be executed.

**Chair Ohrenschall:**

Mr. Hickey, the costs do not start at sentencing; they start once the prosecution decides they are going to seek the death penalty. Should the

Legislature approve it, I hope this audit will find whether this cost is worth it. The deterrent effect versus other sentences—is it worth it?

**Assemblyman Martin:**

I like the idea, but my concern is what is a differential cost, meaning what would be an expense anyway if the case was not involved with the death penalty? Is this audit going to be patterned after what other states have done in terms of methodology? If you pardon the nonemotional nature of this, as an appendix to an audit report you might typically see a cost per conviction, or something to that effect, which you want to be able to compare.

**Senator Segerblom:**

That is why we have an auditor on that committee, so we can refine the bill.

**Nancy Hart:**

In section 1, subsection 2 of the bill, it specifies what parts of the procedure will be looked at and the methodologies and auditing practices that will be followed. In regard to the emotional factors that you mentioned, the studies that have taken place in other states, as well as the study that this bill contemplates, do not take those into account. They are very objectively identifiable costs.

**Assemblyman Martin:**

I am looking at it as a very nonemotional analysis. Are you aware of any other states that have done such an analysis and what costs they introduce? That way you can compare the results. That is where I was heading with that.

**Nancy Hart:**

One of the handouts on the Nevada Electronic Legislative Information System (NELIS) is from the Death Penalty Information Center, which is a national resource center on death penalty issues. It summarizes many state studies on the cost of the death penalty in those states ([Exhibit G](#)). I believe that Mr. Pescetta and Mr. Coffee will be alluding to some of those studies as well. All could be something against which the Nevada cost study can be compared.

**Chair Ohrenschall:**

Are there any further questions for Ms. Hart or Senator Segerblom?  
[There were none.]

**Michael Pescetta, Private Citizen, Las Vegas, Nevada:**

I am an attorney practicing in the area of death penalty cases and post-conviction remedies. I am appearing on my own behalf and not as a representative of the federal public defender, who is my employer, and my opinions are offered as my own. My primary purpose here is that our office, in the course of litigating cases, has generated most of the statistics that are available and that have been submitted to the Committee ([Exhibit H](#)). We maintain these records for our own purposes, but we share them, as anyone who wants them knows.

My view, for purposes of this bill, is purely fiscal. In the 36 years since the death penalty was reinstituted in 1977, there have been, by our estimation, 151 death sentences imposed in Nevada. [Referred to page 8 of the handout [Exhibit H](#).] As of last October, 55 of those 151 sentences, or 36.4 percent, have been reversed at some point. It is my feeling that any state program which has a 36 percent failure rate should be examined to see if it is worth the effort. What we have in terms of product, if you will, from the death penalty statute and procedure in Nevada, is that we have executed one individual since 1977 involuntarily. There have been 11 inmates sentenced to death in that period who have given up their appeals and have volunteered to be executed. For a system that has litigated 151 death penalty cases over the past 36 years, this seems like a fairly modest achievement in terms of actual executions and one that does not represent a cost-effective system.

**Chair Ohrenschall:**

Mr. Pescetta, I want to make sure I have those figures right. There have been 151 death sentences imposed in Nevada since the Supreme Court reinstituted it, resulting in 1 involuntary execution and 11 voluntary?

**Michael Pescetta:**

That is correct. You can find that information on the page entitled "The Death Penalty in Nevada Since 1977," which is page 8 of the fact sheet handout ([Exhibit H](#)), that was distributed by Ms. Hart.

I am not here to complain that there have not been enough executions. However, considering that over a third of the cases have been reversed by either state or federal courts, and resolved by sentences less than death or by the death of the inmate from some other cause, this is something where what Mr. Martin referred to as the differential becomes of interest.

Ms. Hart referred to the studies that have been conducted in other states ([Exhibit G](#)), some of which were conducted by private institutions. The Texas study was conducted by *The Dallas Morning News*, which is a newspaper.

A study in Maryland was conducted by its state auditors. Very consistently, the results of these studies have shown that imposing the death penalty, and litigating death penalty cases, is significantly more expensive than imposing a sentence of life without possibility of parole. Texas, I believe, is responsible for one-third of all the executions that have occurred since the U.S. Supreme Court allowed the current death penalty systems in the states to be enacted in 1976. But even in Texas, the average time between imposition of a death sentence and execution is about 10 years. The cost is about three times to obtain an execution than it is simply to impose a sentence of life without possibility of parole. That to me is a fiscal argument for why this system needs to be overhauled. It is not about putting me out of a job, although I would gladly be out of a job. I think it is something that every legislator has to consider for himself or herself: is this worth the amount of money that we are spending on it?

We have a very high per capita imposition of the death penalty. In Nevada, we have consistently had either the highest or second highest per capita death row population in the country. But we do not execute very often, and we have a very high error rate, where over a third of the cases in which the death penalty is imposed have it legally vacated.

There are a variety of approaches that the Legislature can take to address the situation. One, as the Chair indicated, is to study whether a reduction in the number of aggravating factors which allow imposition of the death penalty would be an appropriate way to restrict the use of the death penalty and to ensure that only the most serious cases receive it. Whether the death penalty is worth the cost at all is another analysis that the Legislature will have to make for itself.

I believe that in terms of pure fiscal impact the death penalty does not work very well. I believe that there has never been any real showing of deterrent effect. Every year the homicide rate is released. Sometimes it is up and sometimes it is down, but when it is released, someone from the Metropolitan Police Department in Las Vegas always says we do not really know why this is happening. No one in law enforcement, to my knowledge, has ever tried to make a claim that the ups and downs of the homicide rate, or the crime rate generally, are in any way related to the existence or nonexistence of the death penalty as an appropriate option. From my own experience in litigating these cases on behalf of my own clients, I think that it is also entirely arbitrary. With very few exceptions, you could, I believe, put a description of all of the death sentences that have been returned into a hat and draw those descriptions out, and you would not normally be able to identify which case resulted in a death penalty and which did not. I view that as an issue of

fairness. However, I think what you would be studying is not fairness but cost, and at that point putting yourselves in a position to make a rational and dispassionate judgment of whether what we are getting from the system is worth the money that we pay for it.

Some people are not as familiar as we assume with the death penalty system. A capital case is prosecuted in the state district court by an indictment or information. Once that is filed, the prosecution files a notice that says whether it will attempt to seek the death penalty in the case. At that point, all of the protections, which involve increased costs imposed by Supreme Court Rule No. 250, the primary court rule applying to death penalty cases, go into effect. Then the other protections in the statutes kick in, and those costs—for investigating for mitigating evidence, finding expert witnesses, et cetera—begin to be accrued, primarily on the defense side. Even if the case is resolved by a plea negotiation shortly before a scheduled trial, most of the preparation, and therefore the expense, will have been garnered in preparation for the anticipated trial. Once the individual is found guilty of first-degree murder, there is a separate penalty phase that involves increased court time. Choosing a jury that is "death-qualified" and constitutionally able to impose all of the available sentences, takes more court time and attorney time. The penalty phase takes additional time. There are usually more witnesses, including mitigating witnesses who talk about the background of the defendant or about the effect of the offense on the victim's survivors. If a death sentence is then imposed, there is a direct appeal.

**Chair Ohrenschall:**

I have a question about the mitigating circumstances. Can you give us a ballpark estimate on what this is going to cost? What kind of experts do you have to hire? Do you know of cases where the defense has had to travel to the hometown or home country of the defendant? What kind of expense does that add when you have a death penalty case, and would that expense be there if it were charged as a life without parole instead of the death penalty?

**Michael Pescetta:**

I think Mr. Coffee could speak with a little more detail to that. When we get a case on habeas corpus, if those kinds of mitigation investigations have not been done, we have to do them. We have had to conduct investigations for defendants who were born and raised in Cuba. We have a client who was born and raised in Serbia. We had to conduct the mitigation investigation almost 20 years after the imposition of the death penalty because it was not carried out prior to trial. That cost a great deal of money. It is many thousands of dollars if you have questions of brain damage. Typically, you have to have both a psychiatric expert and a neuropsychological expert and sometimes imaging

costs for MRIs. Those kinds of experts are by no means cheap. Experts typically cost between \$10,000 and \$15,000 apiece for conducting serious investigations of this sort.

I would like to finish with the procedural steps involved after a death sentence is imposed. There is an automatic and mandatory appeal to the Nevada Supreme Court. The briefing is larger in the Nevada Supreme Court by rule. The Supreme Court reviews a death sentence sitting en banc, as a full court instead of in panels. If the Nevada Supreme Court does not grant relief, there is particularly a petition for certiorari to the United States Supreme Court. If the case is not taken, the case goes back to the state district court, where a post-conviction habeas corpus petition is filed. In that litigation, appointment of counsel for the defendant is mandatory. The state is represented by the Office of the District Attorney. If no relief is furnished in that proceeding, a question of whether trial and appellate counsel are ineffective may be raised. In order to litigate that it is typically necessary to show what would have happened if the trial and appellate counsel had done the things that they did not do. If that rather costly procedure does not result in relief, there is an appeal to the Nevada Supreme Court again, and from there the case goes on to federal court, where the federal public defender typically picks up representation of the defendant.

We then litigate in the federal district court, where the state is usually represented by the Nevada Attorney General. That frequently results in a new petition in the state district court to exhaust federal constitutional claims, because under federal procedure a federal court cannot address an issue that has not already been presented to the state court system. Throughout these proceedings, because almost universally capital defendants are indigent, all of those costs are paid for one way or another by the taxpayers.

It is a very considerable burden to go through, and the result is we have achieved reversals in over one-third of the cases in which death sentences have been imposed. The cost of imposing those death sentences and litigating those cases has essentially been lost permanently.

I believe that if the Legislature adopts this bill, it will at least give you a rational ability to see what the system is costing in order to make a determination on purely fiscal grounds whether it is a system that ought to be retained.

**Chair Ohrenschall:**

We will go to Mr. Coffee next and then take questions from the Committee.

**Scott Coffee, Attorney, Office of the Public Defender, Clark County:**

I have been an attorney with the Clark County Public Defender's Office for the past 17 years and have been on the Homicide Unit litigating these cases for the past 12 years. I have been responsible for the resolution, meaning either the trial or the plea, of approximately 75 murder cases and 10 death penalty cases. I have some idea of what happens on the front lines. The cost is astronomical. Dr. Terance Miethe, a criminal justice professor and statistician at the University of Nevada, Las Vegas (UNLV) did a commissioned report for the Clark County Commission last year. He looked at costs just for defense trial attorneys on death penalty cases and came up with between \$170,000 and \$210,000 per filing at the trial level. That is without expert witnesses, which are \$10,000 to \$20,000 every case, and perhaps more. That is without travel. That is without mitigation experts. That is before we ever get to what Mr. Pescetta just talked about. They did a time study and found that defense attorneys at the trial level were spending about twice the time on a death penalty case as they would on a non-death penalty case. I will tell you that is consistent with my years in practice.

**Chair Ohrenschall:**

Was this study limited to only those cases represented by the Office of the Public Defender?

**Scott Coffee:**

No, it was private counsel and the Office of the Public Defender. The thing to keep in mind is that out of about 80 pending death penalty cases in Clark County, one has retained counsel and the others are paid for at taxpayer expense. The majority of people charged with the death penalty cannot afford the cost of litigation. Our office represents perhaps a third of those cases, the Special Public Defender takes another third, and about a third has appointed counsel, which again is at taxpayer expense.

Why are these costs so astronomical? Mr. Pescetta mentioned 151 death sentences in Nevada. You have to think about how many cases were filed to get that many sentences. In Dr. Miethe's study, there were 35 death filings and seven death verdicts returned. That is a 1 in 7 rate. If we apply that to the 151 death sentences that Nevada has had, we are talking about 1,000 death filings. Now we see why the numbers can be so astronomical. Every time a death penalty case is filed, the costs go out the window. The studies that have looked at these costs—in California, Kentucky, and Maryland—have found the costs to be in the millions of dollars. So in Nevada we are talking 151 death sentences, out of perhaps as many as 1,000 filings, with 1 nonvolunteer executed. You see why costs soar even if the marginal cost on a case is low.



Dr. Miethe's study concluded that the 80 pending cases in Clark County would cost the taxpayers \$15 million in additional defense attorney costs alone. That is pre-expert, pre-travel, and pre-mitigation. Of those 80 cases, at the current rate we could expect 10 death sentences, so that is \$1.5 million per death sentence. Of those, three are going to be overturned and we may have no executions. That is a 1 in 10 chance of executing a person in any of the 80 pending cases. If you look at the numbers that way, you can see why a study is important.

There are certain things that a study needs to take into consideration. I think the cost per execution, including the cost per volunteer and per nonvolunteer, is absolutely critical to any study that is being done. I think the study needs to take a look at county versus state costs, because there is some disparity. To some extent, Clark County is the tail wagging the dog in this whole death penalty shell game, because we have 80 pending cases in Clark County and there is one in the remainder of the state. In the post-conviction phase if we do get those 10 death sentences, the state ends up footing a good part of the bill, despite the fact that Clark County is the entity filing those cases. State versus county costs is important for everybody to know.

I think it is also important that practitioners are included in any cost study. You should consult with practitioners, because there are a number of places that money is spent that might surprise you. For example, one of the things not mentioned in the list under section 1, subsection 2 is lay witnesses. It talks about expert witnesses but not about lay witnesses. In a death penalty situation, the lay witness cost is substantial, particularly if I have to fly people in from around the country or around the world to testify on behalf of the defendant. I have clients who were born in Cuba, Korea, and Mexico. If those cases go to trial, I will be flying in family members from all those destinations. That is a substantial cost. Again, I would encourage that any cost study include discussions with practitioners, so that you know where to look and where the dollars are going.

**Chair Ohrenschall:**

Some people have expressed a concern that this is a first step to abolition. I looked online and saw that Kansas conducted a study and found that it was 70 percent more expensive for death penalty case versus a non-death penalty case, but they still have the death penalty on the books. Do you know whether most of the states that have conducted a cost study have gone on to abolish the death penalty, or have they just had that information available for their legislators and their citizens?

**Scott Coffee:**

It is ultimately a choice for the legislators and the citizens. California just turned down a referendum to get rid of the death penalty, and there was a study pending in California which showed a cost of \$20 million per execution. The California voters decided to keep the death penalty on the books.

**Chair Ohrenschall:**

What do you envision this study will provide that the study conducted by Dr. Miethe at UNLV did not?

**Scott Coffee:**

I would hope that this study is comprehensive. One of the things that A.B. 444 talks about is the costs of prosecution. That was not in any of the previous studies. The cost of courtroom time was not included, nor was the cost of experts, travel, appeals, post-conviction proceedings, and housing in the prison. None of those things were covered in the limited study Dr. Miethe did. Dr. Miethe's limited study showed a cost of approximately \$1.5 million for every death sentence without considering those additional things.

**Chair Ohrenschall:**

Are there any questions for Mr. Pescetta or Mr. Coffee? [There were none.] Is there anyone else who would like to speak in favor of Assembly Bill 444?

**Nancy Hart:**

Professor Miethe's study also did not include the cost of prosecution, at trial or any other stage. I wanted to respond to the fact that of the states that have conducted cost studies summarized in the Death Penalty Information Center handout on NELIS ([Exhibit G](#)), not even half of those states have elected to end their death penalties. Some states have conducted these studies and concluded that they are not going to move forward with that.

**Chair Ohrenschall:**

That it is a cost that they are willing to bear.

**Nancy Hart:**

At this point, yes.

**Steve Yeager, Attorney, Office of the Public Defender, Clark County:**

You heard from Scott Coffee testifying on behalf of our office. I want to formally put a "me too" on the record and would hope that this information would prove valuable down the road for this body to decide how to proceed.

**Marlene Lockard, representing Nevada Women's Lobby:**

The Nevada Women's Lobby believes in the principle that the lives of all people are inherently valuable and worthy of respect and dignity. Based on this principle and the inequities we see in the death penalty, we support this cost study. In light of the state's financial woes, and the terrible cuts happening to so many vital government programs, it makes sense to take a close look at how much we are spending on our death penalty system. From what we have just heard, maintaining the death penalty is a very expensive public safety program. Like all government-funded programs, its costs should be reviewed and evaluated. Nevada needs to make difficult choices about what we can afford to fund, and lawmakers and taxpayers alike should have accurate and complete information about the cost of maintaining the death penalty.

**Chair Ohrenschall:**

I think Mr. Pescetta put it best when he mentioned that the study outlined in Assembly Bill 444 is meant to be dispassionate, rational, and logical. I know we all have our feelings about the death penalty, but A.B. 444, if it is enacted, would simply look at the cost to the taxpayers to prosecute a death penalty case versus a nondeath penalty case. Are there any questions for Ms. Lockard? [There were none.]

**Vanessa Spinazola, Legislative and Advocacy Director, American Civil Liberties Union of Nevada:**

In the broadest terms the death penalty is about the search for justice and the safety of our communities. Many ways exist to make our communities safer and most have associated costs. When the state decides to spend a significant amount of money on one single measure, such as the death penalty, this necessarily means that less money is available for other safety resources. We feel that lawmakers should know the true costs associated with maintaining this form of punishment in our state in order to make informed policy decisions.

Finally, government transparency is absolutely essential when the state takes the extreme measure of taking someone's life. The study proposed in A.B. 444 takes steps towards that transparency, and for that reason we support the bill.

**Chair Ohrenschall:**

That is a good point. This does have a lot to do with transparency. Are there any questions for Ms. Spinazola? [There were none.]

**Stacey Shinn, representing Progressive Leadership Alliance of Nevada:**

We work on issues that affect at-risk communities and feel this is a piece of legislation that is crucial. I know you are just discussing cost, but at the same time we are looking at this bill as a Racial Equity Report Card bill, because

almost 40 percent of our inmates facing execution in Nevada are African Americans, while African Americans represent only 8 percent of the state's population. There is not only a financial aspect of saving money for our state but it is also the cost of lives. People say that the death penalty is a deterrent to crime, but this has been proven not to be true. The death penalty minimally addresses the problem of violent crime in our state. We urge your support on A.B. 444.

**Chair Ohrenschall:**

Are there any questions for Ms. Shinn? [There were none.]

**Allan Smith, representing Religious Alliance in Nevada:**

Originally, the Religious Alliance in Nevada (RAIN) was neutral on this bill, but I have since gotten word from my board that we are in favor of this bill. In fact, recent communication with board member Tim O'Callaghan suggested I let you know we support this bill. We feel it is important that this audit be completed and that other issues need to be looked at.

**Chair Ohrenschall:**

Does RAIN and the affiliate churches and temples assist any of the families of the victims associated when a death penalty is sought?

**Allan Smith:**

We act as an advocacy group and help where we can, mainly with issues on prisoner reentry and matters like that.

**Chair Ohrenschall:**

If the study does happen, perhaps you could speak to the auditor about that. Is there anyone else in favor of A.B. 444? [There was no response.] We will now go to opposition. Is there anyone who would like to speak against Assembly Bill 444? [There was no response.] Now I will turn to neutral. Is there anyone who is neutral on the measure and would like to be heard?

**John T. Jones, representing Nevada District Attorneys Association:**

We are neutral on A.B. 444. It is my understanding we were neutral last session on the measure and we are remaining in that position.

**Chair Ohrenschall:**

Are there any questions for Mr. Jones? [There were none.] I hope that the Committee will consider this bill. We worked hard to craft something that is fair. If the Committee will look at page 2 of the bill, lines 24 through 31, you will see that the auditor is not to just look at the costs of pursuing a death sentence; the auditor is to look at any potential cost savings of seeking

a death sentence. I believe that the measure is balanced; it would look at all sides in that dispassionate, logical, and rational manner that Mr. Pescetta mentioned. We will now close the hearing on Assembly Bill 444. Before we move on to the next bill we have a work session.

**Senate Joint Resolution 5 (1st Reprint): Urges Congress to pass the Marketplace Fairness Act. (BDR R-697)**

**Susan Scholley, Committee Policy Analyst:**

The bill before you is Senate Joint Resolution 5 (1st Reprint) urging Congress to pass the Marketplace Fairness Act. The bill was sponsored by Senator Woodhouse and others and was heard in this Committee on April 25, 2013. [Read from work session document ([Exhibit I](#)).]

**Chair Ohrenschall:**

My recollection was there was no testimony in opposition. I have had conversations with Senator Woodhouse and she has mentioned that the U.S. Senate may take this measure up on Monday. That is one of the reasons why we are trying to move it so quickly. I will open it up to a motion to do pass.

ASSEMBLYWOMAN FLORES MOVED TO DO PASS  
SENATE JOINT RESOLUTION 5 (1ST REPRINT).

ASSEMBLYMAN MARTIN SECONDED THE MOTION.

Is there any discussion on the motion?

**Assemblyman Duncan:**

I will be a no vote on this, but I will reserve the right to change my vote on the floor. I do have some concerns, in light of the U.S. Supreme Court case *Quill Corp. v. North Dakota*, 504 U.S. 298 (1992). I have some concerns about states using tax authority to go across borders and also discouraging tax competition. I am going to look into this more. I will be a no with a reservation.

**Chair Ohrenschall:**

Is there any other Committee member who would like to discuss the motion?

**Assemblyman Oscarson:**

I am going to be a yes while reserving the right to change my vote on the floor. I have heard from multiple constituents in the rural areas who feel that paying

taxes on some of the Internet sales puts them at an unfair competitive disadvantage. For that reason I will be voting yes.

**Chair Ohrenschall:**

Is there any further discussion?

THE MOTION PASSED. (ASSEMBLYMAN DUNCAN VOTED NO.  
ASSEMBLYMEN KIRKPATRICK AND MUNFORD WERE ABSENT  
FOR THE VOTE.)

We will now open the hearing Senate Bill 202.

**Senate Bill 202: Creates the Nevada Advisory Committee on Intergovernmental Relations as a statutory committee. (BDR 19-905)**

**Senator Michael Roberson, Clark County Senatorial District No. 20:**

I submitted this bill at the request of Nevada League of Cities and Municipalities President Debra March. This bill seeks to create a permanent Nevada Advisory Committee on Intergovernmental Relations, otherwise known as ACIR, that would create the forum for ongoing dialogue between the Legislature, state agencies, and local elected officials. The goal of ACIR would be to bring about effective partnerships and communication between all levels of government and present those findings to the Legislature. Membership in the ACIR committee would include representatives from the Legislature, local governments and the state Executive Branch. The ACIR was designed to allow for a conversation to take place between different levels of government on increasingly complex governmental issues that are difficult to solve within the 120-day legislative session. By allowing ACIR to meet during the interim and home in on needed changes with how government is delivered, the respective Government Affairs Committees can hit the ground running and accomplish more during the relatively short legislative session.

We have all heard from our constituents who desire a more efficient government. The ACIR can help to do that by exploring interaction between our levels of government and help determine if services are being provided by the appropriate level of government as efficiently as possible. This is just one example of the charge ACIR will have, but I envision this body being tasked by the Legislature to examine other, more complex topics. The bill would allow leadership to appoint their respective Government Affairs Committee chairs to sit on ACIR, which will ensure a better understanding up front of what local governments and the state Executive Branch may be trying to accomplish within proposed bill draft requests (BDRs).

**Wes Henderson, Executive Director, Nevada League of Cities and Municipalities:**

Our league president, City of Henderson Councilwoman Debra March, could not be here today but asked that I express her appreciation to Senator Roberson and relate her support of S.B. 202 to the Committee. In 2009, Senate Bill No. 264 of the 75th Session created both a Legislative Commission's Committee to Study Powers Delegated to Local Governments and an Interim Technical Advisory Committee for Intergovernmental Relations (ACIR). [Read from prepared text ([Exhibit J](#)).]

**Chair Ohrenschall:**

What is not working now with the local government officials reaching out to the Legislative Commission, Interim Finance Committee, and other interim committees that we have? What do you think ACIR will solve that is not being solved now?

**Wes Henderson:**

I think ACIR provides a formal body that will meet on a regular basis with the provision to recommend BDRs to be introduced. Looking back on the 2009-2010 ACIR, the process it started was just learning how the other branches of government worked. And that does not exist now. There is no forum to learn how state government and local governments work together.

**Chair Ohrenschall:**

Is there anyone else in support of Senator Roberson's measure who would like to speak?

**Javier Trujillo, Intergovernmental Relations Manager, City of Henderson:**

We strongly support this measure, as we believe it would provide a forum for us to meet during the interim to discuss important issues at the local government level with our legislators and state agencies. It would also allow us to work closely with the chairs of the Government Affairs Committees to be able to make recommendations on committee bills that would address local government issues. This creates a conversation before the session on important issues that during a 120-day session might be difficult for the committee to discuss.

**Chair Ohrenschall:**

Are there any questions for Mr. Trujillo?

**Assemblyman Hickey:**

Do you anticipate this creating any problems with the Open Meeting Law?

**Javier Trujillo:**

I do not believe that is a concern. I would certainly defer to legal counsel and the bill's sponsor.

**Kevin Powers, Committee Counsel:**

To ensure that very thing, the bill provides in section 10 that the committee shall comply with all provisions of the Open Meeting Law.

**Chair Ohrenschall:**

Are there any other questions for Mr. Trujillo? [There were none.]

**Liane Lee, representing City of Las Vegas:**

The City of Las Vegas supports S.B. 202 and the intent of fostering effective communication, cooperation, and partnership among state government and local governments to improve the provision of governmental services to the people of the state.

**Chair Ohrenschall:**

Are there any questions for Ms. Lee? [There were none.]

**Jeffrey Fontaine, representing Nevada Association of Counties:**

We are in strong support of S.B. 202 for all the reasons that have already been mentioned. There were three county commissioners on the interim advisory committee, including a commissioner from Washoe County, one from Clark County, and one representing a rural county, all meeting with their counterparts from the cities and the Executive Branch staff. That committee was able to delve into the details of the shared services, to try to identify gaps and duplication of services, so we really felt that there were great benefits. By making this a legislative committee we think it can be extremely useful and try to tackle many of the complex issues that come before you every session.

**Chair Ohrenschall:**

Are there any questions? [There were none.] Is there anyone else who would like to speak in favor of S.B. 202? [There was no response.] Is there anyone opposed to the measure who wishes to speak? [There was no response.] Is there anyone neutral who wants to be heard? [There was no response.] We will now close the hearing on S.B. 202 and open the hearing on Senate Bill 298.

**Senate Bill 298: Requires the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs to conduct a study concerning property tax assistance for senior citizens. (BDR S-735)**



**Senator Joyce Woodhouse, Clark County Senatorial District No. 5:**

I have introduced this bill for one simple reason: I want the Legislature to reconsider an action that it took in 2011 in the midst of the budget crisis. That action was to repeal the Senior Citizen's Property Tax Assistance Program. This program provided significant relief to low-income seniors living on fixed incomes and struggling to make ends meet.

As we all know, the true value of a fixed income declines over the years and threatens the ability of some seniors to maintain ownership of their homes. The program helped them by refunding some of the property taxes they paid as homeowners or renters. At the time it was eliminated, it was funded entirely through a General Fund appropriation.

This was started in 1973 and that legislation did establish the program. The Legislature declared that a public policy of the state is to provide assistance to its senior citizens who are carrying an excessive residential property tax burden in relation to their income. In 2001, the program was transferred from the Department of Taxation to the Aging and Disability Services Division in the Department of Health and Human Services because it was thought to be a social service rather than a tax program. At the time it was eliminated, the Executive Budget projected more than 18,000 seniors would apply in that fiscal year for a cost of approximately \$5.7 million. On average, approximately 16,000 individuals are found to be eligible to receive the funds each fiscal year. To be eligible a senior had to be at least 62 years of age and have a certain level of income.

Senate Bill 298 simply calls for an existing statutory interim committee, the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs, to investigate tax relief for senior citizens. The study should include the feasibility of reenacting the Senior Citizens Property Tax Assistance Program and an evaluation of any other alternatives that might be available to provide property tax assistance for our senior citizens. The committee would report its findings and recommendations to the 2015 Legislature.

The Executive Budget recommended elimination of the program to save money, and I certainly understand that decision. The 2009 and 2011 Legislatures were dealing with some devastating fiscal pressures. However, I found myself wondering, especially after a lot of seniors contacted me regarding their situations during various campaigns and also when I served here earlier. I was wondering whether the program was eliminated without a thorough review of the consequences to the seniors who depended on that relief. Back in 1973 it was public policy of Nevada to help low-income seniors living on fixed incomes.

I urge that we take the time to reconsider that public policy again and understand the situations that face our seniors today.

In closing, Senate Bill 298 simply asks that an existing legislative interim committee revisit property tax assistance for senior citizens. After the study, their recommendation may be to reinstitute the program that previously was in place, or it may be that the legislators on the committee will determine and recommend that property tax relief is not warranted. As an alternative, the committee may find and recommend a different program with other eligibility criteria. But at least we can, and should, make an informed decision, and we can make sure that we have investigated and deliberated on what should be the right policy for our senior citizens who are on such limited incomes.

**Chair Ohrenschall:**

Are there any questions?

**Assemblyman Martin:**

The overriding question is, if the program already existed, why not just simply reinstate it? Why go through a study and delay two more years? Seniors will be paying higher real estate taxes for an additional period. I am curious as to the thought process behind this.

**Senator Woodhouse:**

The reason why we brought it as a study was when we were dealing in 2009 with this issue, the cost of it was quite hefty and, of course, we are not totally out of this recession yet. What we really wanted to do was take a look at this program, to determine if it is the right one going forward and, if so, we will bring it back. In doing a study we can determine if there is a better way.

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

During the 2012 campaign, I had many seniors from my district express serious concern that they were living on fixed incomes and struggling to make ends meet. Many of them had to choose between paying for their rent, property taxes, medication, or other life-sustaining necessities. I think that this program is something that we need to look at bringing back. As a supplement to Senator Woodhouse's answer to Assemblyman Martin, that was our original intent. Our understanding had been that they had simply defunded the program, but in fact they had eliminated it. The Legislative Counsel Bureau said it would be very difficult to turn that around and accomplish the goal this legislative session, but we definitely want to make sure that we get it right and bring it back for next legislative session. I would strongly urge the Committee to give full consideration and pass out Senate Bill 298.

**Chair Ohrenschall:**

Do you know how many seniors participated in the program when it was active and any idea of what it might cost to bring it back?

**Senator Woodhouse:**

If I can remember all the way back to 2009, I know there were around 18,000 to 20,000 individuals who could apply for the program. I will double-check what the actual number was when the program was in place and what the costs were. When we ran the fiscal note in 2009 it was very large. It was one of the reasons why it was not funded.

**Chair Ohrenschall:**

Is there anyone else who would like to speak in favor of the measure?

**Barry Gold, representing AARP of Nevada:**

The prior two speakers said what I usually always say to committees about seniors living on fixed incomes and having to decide whether they are going to buy food, medicine, or electricity. The program was very good and helped a lot of seniors who live on a fixed income. AARP supports property tax relief for seniors if it is done correctly. Therefore, doing a study is a good way to find out what the best method is. Different states have different programs. These programs should be income-based and should be looked at to make sure that they help the maximum number of people who really need it most. AARP, on behalf of our 309,000 members across the state, supports S.B. 298.

**Chair Ohrenschall:**

Are there any questions? [There were none.]

**Marlene Lockard, representing Nevada Women's Lobby:**

All of you have such difficult choices to make, and good programs, like this one, have been eliminated. It was very disappointing after the 2011 Session to report to our membership that this program was one of the programs left on the cutting floor out of necessity due to the economic crisis. We very much support the opportunity to see if it is the best approach to help seniors or how the program could be improved.

**Chair Ohrenschall:**

Are there any questions? [There were none.]

**Martin Bibb, Executive Director, Retired Public Employees of Nevada:**

The Retired Public Employees of Nevada (RPEN) support Senate Bill 298 for a couple of reasons. With the loss of some of the programs that have been alluded to by previous witnesses, the Legislative Committee on Senior Citizens,

Veterans and Adults with Special Needs was created. This seems to be really appropriate and meaningful work for that type of committee. We think the time is right. This is precisely the kind of assignment that would produce all sorts of information that would be helpful considering this important program for reinstitution.

**Chair Ohrenschall:**

Do you have any idea how many members of RPEN may have participated in the property tax program?

**Martin Bibb:**

I do not know that number. Our association has more than 9,500 members in the state and certainly, because many of those folks retired several years ago on extremely limited retirement, some may qualify.

**Chair Ohrenschall:**

Are there any questions for Mr. Bibb? [There were none.] Is there anyone else in support of the measure? [There was no response.] Is there anyone who is in opposition to the bill who wishes to be heard? [There was no response.] Anyone who is neutral?

**Tina Gerber-Winn, Deputy Administrator, Aging and Disability Services Division,  
Department of Health and Human Services:**

We are neutral on this bill, but after hearing you have questions about historical usage of the program and cost, we would gladly contribute that information if it will help you make a decision.

**Chair Ohrenschall:**

If you have any of that information with you, please go ahead.

**Tina Gerber-Winn:**

I did not bring it with me. I can say when the program ceased to exist we delivered rebates to about 16,500 individuals across the state. Those rebates ranged in amounts depending on the income that individuals showed. We do have those statistics for the last years of the program and I would be happy to provide that information to you.

**Chair Ohrenschall:**

That would be wonderful. If you can send them to me I will distribute them to the Committee members. Are there any questions? [There were none.] Senator Woodhouse, are there any closing remarks you would like to make?

**Senator Woodhouse:**

Thank you for your attention to this matter. We are happy to work with you to move this forward because we really want to find a vehicle to help our senior citizens who are on those fixed incomes.

**Chair Ohrenschall:**

I will now close the hearing on S.B. 298. I will open it to public comment; I am not seeing anyone. Thank you, members. I will close today's meeting of the Assembly Committee on Legislative Operations and Elections. Meeting adjourned [at 5:52 p.m.].

RESPECTFULLY SUBMITTED:

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Karen Pugh  
Committee Secretary

APPROVED BY:

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Assemblyman James Ohrenschall, Chair

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

**EXHIBITS**

**Committee Name:** Committee on Legislative Operations and Elections

**Date:** May 2, 2013

**Time of Meeting:** 4:06 p.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
A.B. 301	C	Assemblyman James Oscarson	Talking points
A.B. 301	D	Steve Bradhurst, Central Nevada Regional Water Authority	Talking points
A.B. 301	E	Central Nevada Regional Water Authority and Southern Nevada Water Authority	Proposed amendment
A.B. 301	F	Darrell Lacy, General Manager, Nye County Water District	Letter in support
A.B. 444	G	Nancy Hart, President, Nevada Coalition Against the Death Penalty	Financial Facts About the Death Penalty
A.B. 444	H	Nancy Hart	Nevada Death Row Fact Sheet
S.J.R. 5 (R1)	I	Susan Scholley, Committee Policy Analyst	Work session document
S.B. 202	J	Wes Henderson, Executive Director, Nevada League of Cities and Municipalities	Written testimony