

**MINUTES OF THE
SENATE COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-Seventh Session
May 6, 2013**

The Senate Committee on Government Affairs was called to order by Chair David R. Parks at 1:37 p.m. on Monday, May 6, 2013, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator David R. Parks, Chair
Senator Pat Spearman, Vice Chair
Senator Mark A. Manendo
Senator Pete Goicoechea
Senator Scott Hammond

GUEST LEGISLATORS PRESENT:

Assemblyman Cresent Hardy, Assembly District No. 19
Assemblyman Peter Livermore, Assembly District No. 40
Assemblyman James Ohrenschall, Assembly District No. 12

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Heidi Chlarson, Counsel
Gwen Barrett, Committee Secretary

OTHERS PRESENT:

Cadence Matijevich, City of Reno
Wes Henderson, Nevada League of Cities and Municipalities
Ron Dreher, Peace Officers Research Association of Nevada
Priscilla Maloney, American Federation of State, County and Municipal
Employees Local 4041
Rusty McAllister, Professional Firefighters of Nevada

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Andrea Engleman
Donna DePauw
Rob Joiner
John Wagner, Independent American Party
Mary C. Walker, Carson City, A Consolidated Municipality
Warren B. Hardy II, City of Mesquite; Virgin Valley Water District
Nicole Lamboley, Chief Deputy, Office of the Secretary of State
Terry Care
Erin McMullen, Association of Gaming Equipment Manufacturers
Victor Moss
Joseph Meyer
E.K. McDaniel, Deputy Director, Operations, Department of Corrections

Chair Parks:

We will call the meeting to order at 1:37 p.m. We will open the hearing on Assembly Bill (A.B.) 9.

ASSEMBLY BILL 9 (1st Reprint): Makes various changes to the Charter of the City of Reno. (BDR S-266)

Cadence Matijevich (City of Reno):

I have prepared and will read my written testimony ([Exhibit C](#)). A copy of the Civil Service Commission Rules and Membership ([Exhibit D](#)) has been provided for this hearing.

I was advised this afternoon that there are some concerns related to the language in section 8 of A.B. 9 regarding section 1.100 of the Reno City Charter. A friendly amendment is coming forward, clarifying that it is intended to apply to appointive unclassified employees—meaning those employees who are not in the Civil Service. We have an existing provision within our Charter that speaks about appointive offices; that section was not meant to confer the rights or duties of an officer the way you would think of a financial officer upon those clerical staff. That is the intent of this clarification.

Wes Henderson (Nevada League of Cities and Municipalities):

We support A.B. 9.

Ron Dreher (Peace Officers Research Association of Nevada):

We support the bill with a friendly amendment.

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We met with the City prior to this hearing, and we are going to submit a friendly amendment adding the word “unclassified” anytime the term “appointive employee” appears in the bill in section 8 and section 9 and in section 1.110 of the Charter. There can be no misunderstanding that the appointive employee, which is not defined in this bill, refers to the unclassified clerical and those types of employees, not those who are members of the labor associations or could be members but choose not to be.

Chair Parks:

You would like to insert the word “unclassified” between appointive and officers?

Mr. Dreher:

Yes, anytime it is mentioned in sections 8 and 9 of the bill for section 1.110 of the Charter.

Chair Parks:

This is a friendly amendment?

Mr. Dreher:

Yes.

Priscilla Maloney (American Federation of State, County and Municipal Employees Local 4041):

We agree with everything Mr. Dreher said. When bills come from the other side, you want to know the history; where did it come from, what was the problem? We are a right-to-work state, and our local governments have three classifications of employee positions—not eligible under *Nevada Revised Statutes* (NRS) 288 to be members of a bargaining unit because they are upper management, etc.; classified; and eligible—spelled out in the Civil Service Code as explained on page 27, section 43 of A.B. 9 which amends section 9.060 of the Charter. Those are for people who are eligible but choose not to be part of a bargaining unit.

We do not want orphans; that was our concern about the term “appointive employees.” The City worked with us to help us fix the wording, so we have employees who fit cleanly into those categories.

Rusty McAllister (Professional Firefighters of Nevada):

We support A.B. 9 with the friendly amendment.

When this bill was on the Assembly side, there was discussion that the language for appointive employees would be struck. Ms. Matijevich explained to us today that the language was not stricken in order to pick up the clerical and administrative staff. She was amicable to the idea of adding unclassified.

Ms. Matijevich:

Sections within our Charter speak to appointive officers. There are certain City employees, particularly the City Clerk, who are appointed by the City Council. Other City employees are appointed by the City Manager. We have an elected City Attorney who appoints the personnel in his or her office. This language appears throughout our Charter and A.B. 9. We are seeking to clarify there are not just appointive officers; other positions are not considered at that level of an officer but are directly appointed by either the manager, attorney or the City Council—they are not members of the Civil Service Commission. The Assistant City Manager is an officer, and other positions, such as the Executive Secretary to the City Manager, are appointive employees.

We consider the amendment to be friendly. I have not had the opportunity to run the word “unclassified” by our City Attorney and Human Resources Department. I ask permission to work with your Legal Division to ensure there are no unintended consequences to adding “unclassified.”

Chair Parks:

We will hear from you after you have resolution.

We will close the hearing on A.B. 9 and open the hearing on A.B. 312.

ASSEMBLY BILL 312 (1st Reprint): Makes various changes to the Charter of Carson City. (BDR S-41)

Assemblyman Peter Livermore (Assembly District No. 40):

The Carson City Charter provides for the appointment of the Charter Committee to advise the Board of Supervisors concerning potential amendments to Carson City’s Charter. This bill seeks to revise the nomination and appointment terms of the Charter Committee as follows: each Supervisor shall nominate at least one candidate, and each member of the Senate and Assembly District

representing the residents of Carson City shall appoint one member. Including members appointed by the Senate and Assembly delegation, the Board shall determine the appropriate number of members to appoint to the Charter Committee.

I seek to amend Carson City's Charter, section 1.080, the process of how the Charter Committee is formulated and the membership of the Charter Committee. In the past two sessions that I have been a Legislator, I have been asked to nominate a member and the Board of Supervisors would vet the individuals and select from those nominated. The Board would also declare the number of seats the Charter Committee would have. Today, five Supervisors and two Legislators make up a Charter Review Committee. The Supervisors could select their own five members and omit the Legislators in the formation of the Charter Committee.

Assembly Bill 312 changes this procedure and makes an appointment to the Charter Committee from the Senate and Assembly representatives of Carson City. That is only fair and balanced; I do not pick and choose their members; they should not pick and choose our members. As my original bill proposed, Carson City's Charter Committee should be composed of Senate and Assembly representatives and the Board of Supervisors and the Mayor. This is what my original bill proposed.

After the Assembly hearing for A.B. 312, an amendment issued by Assemblyman Richard (Skip) Daly, Assemblyman District No. 31, created the panel of the body and how it reported to the State Legislature. The Charter Review Committee, after concluding most of its works, prepares recommendations to present to the Legislature on behalf of the City concerning all necessary amendments to this Charter. The Committee would advise the Board of any recommendations for presentations to the Legislature by the Committee and perform all functions necessary to accomplish the purpose of which it is established, including, without limitations, hold meetings, public hearings and obtain assistance from officers of the City. Amendments to A.B. 312 will accomplish appointments from the Legislature point of view to the membership of that Committee who then direct the Charter Committee to make its findings known to the Legislature. If a bill is required, a State Legislator has to provide the bill. This does not call for any arrangement for the Committee to have a bill. The members have to counsel with the Senator or myself representing Carson City for this year. Next year, they would counsel with the

Senator and whoever is the Assemblyman or Assemblywoman representing Carson City.

Andrea Engleman:

I am a 33-year resident of Carson City. I served on the Charter Review Committee about 25 years ago. The Legislators representing Carson City each appointed one and the Board of Supervisors, which is our County Commission or City Council, each appointed one. We met independently; citizens came and expressed their concerns, the concerns were then voted upon and the ones that passed were taken to the Board of Supervisors to consider. In 1992, we were able to get the Charter and the Board of Supervisors to agree to put a ballot question before the public with regard to voting by ward. The vote tied; there was no recount, so it failed. For 20 years after, the Charter Review Committee could not get the Board of Supervisors to agree to put a ballot question in regard to that issue again.

This bill solves the problem with a Board of Supervisors which may want to block access to legislation that allows the Charter Review Committee to find a Legislator to bring the bill. This is patterned on the Sparks Charter. The language allowing you to find a Legislator to bring a bill by the Charter Review Committee will be consistent with all the charters. Assembly Bill 9 has the same language in the Reno Charter—if the City will not allow a piece of legislation to go forward, the Charter Review Committee may find a Legislator to bring it directly to the Legislature.

Donna DePauw:

I have been a resident of Carson City for over 25 years. I sat on the Charter Review Committee for over 20 years and have served as both Chair and Vice Chair. The best part about this bill is that it is bipartisan. This bill is good for Carson City because we have struggled with getting issues through the Board of Supervisors. Every Board that I have worked with for the past 20 years has been like this. This bill gives us the opportunity to see that the citizens of Carson City are heard directly and honestly and are accepted.

Senator Spearman:

Does this bill ask that someone from the Legislature be a part of your Charter Committee because the people who are citizens tend to block initiatives?

Ms. Engleman:

The Charter Review Committee is made up of appointees. The five Board of Supervisors each appoint one and our legislative representatives each appoint one. That can vary; in 1999, we had two Senators and two Assemblymen representing pieces of Carson City, for a total of four Legislators. We currently have one Senator and one Assemblyman, each making one appointment to the Charter Review Committee.

The Charter Review Committee holds public hearings, allowing the public to come forward to express ideas for changes to the Carson City Charter. The Charter is always approved by the Legislature.

Chair Parks:

How did it come about that legislative members of the community got to appoint somebody?

Ms. Engleman:

It has always been that way. Legislators represent as many people, if not more, as do county commissioners and members of the board of supervisors.

Assemblyman Livermore:

In 1999, there was a Charter amendment, changing appointments to nominations. Although the law was changed, the Board did not apply the law, and appointments continued. When I was a Supervisor, I was not aware that a law called for nominations; we made appointments. When I became an Assemblyman, a review of boards and commissions found there should be a nomination. I made my nomination, and I did not get to vote on how many the panel would include nor was I allowed to vote on the appointments. The Supervisors vetted my nominees and seated the panel. When I appointed Ms. DePauw my first Legislative Session, it took 14 months to seat her which only allowed about 6 months of service under my appointment.

When we started the process of appointing this year's Committee, my nomination was requested. I made sure my nominee was seated on the Committee, but the Board had the power to decide. There is a separation of powers. The citizens have a right to expect an appointment from their Legislators which would stop the Board of Supervisors from vetting my candidate out of the panel.

Ms. DePauw:

I would like to make a clarification with regard to Senator Spearman's question. The Committee meets with the Board of Supervisors in a joint meeting process at the end of our session. We come with recommendations to either go to the Legislature or to enact by way of ordinance through Carson City, but they seem to be dismissed. These are issues that community members have brought to us, and it is our duty to hear issues and bring them to the Board. This has been ongoing for over 20 years. They are being heard, but not to the point they should be heard.

Ms. Engleman:

The bill was brought to the Legislature by Mayor Ray Masako in 1999. Senator Terry Care—after reviewing the meeting minutes—recognized potential problems with the Board of Supervisors' ability to overrule and remove a Legislator's appointee. Other issues of more importance took the day at that time.

Chair Parks:

It is my understanding that the Charter Commission is a recommending body to the Board of Supervisors. As it stands now, if the Supervisors do not care for a portion of a recommendation, it would not likely proceed forward. Is that correct?

Ms. Engleman:

Correct. The Charter is like our constitution. This body needs to be independent to represent the people, not the Board of Supervisors. It should find a Legislator willing to bring a bill to the Legislature rather than waiting for approval from the Board of Supervisors. This does not say the Committee must advise the Board as to its decisions before it moves ahead.

Rob Joiner:

I support A.B. 312. I worked 18 years for the City of Carson City and 8 years for the City of Sparks. As the Government Affairs Manager for the City of Sparks, I was the management liaison and staff to the Charter Review Committee.

I have had previous discussions with Senators and Majority Leaders over the disparity in the way charter committees work. The city charter is the constitution, but it is put upon us at your pleasure; we are subentities of the

State. We do not have total home rule; we do not act upon ourselves; we have to go through the charter. When people are appointed, as in Sparks, those lay citizens of the community should be allowed to perform their work unhindered by oversight—no city manager or other management—acting independently on the behalf of the betterment of the community. As a courtesy, the members would go back to the city council and say this is what we came up with based on comments from your appointees and the Legislator appointees, and this is what is going forward to the Legislature. It was friendly, and a local representative of the Legislature would bring a bill forward.

It is encouraging to see other major cities are coming to the Legislature with a similar governance model for their charters. I am on the Charter Review Committee, appointed by Senator Ben Kieckhefer, vetted and approved by the Board. I am not speaking for the Charter Review Committee; I am speaking on my behalf.

John Wagner (Independent American Party):

I am speaking on behalf of myself as a Carson City resident. The Charter Committee members are appointed by the Board of Supervisors, meaning three people determine who is appointed to the Board. Passing this bill will have diversification because each member and the Senators and Assemblymen and Assemblywomen who represent the district will have votes. Otherwise, you have people who may be beholden to the Mayor and the Supervisors, and that is not right; they should be more independent, and this bill is the way to do it.

Mary C. Walker (Carson City, A Consolidated Municipality):

The Carson City Board of Supervisors opposes the bill. Mayor Robert Crowell is unable to attend today's meeting due to an illness. I ask that he be able to submit written testimony ([Exhibit E](#)).

Chair Parks:

Certainly.

Ms. Walker:

The intent of A.B. 312 went before the Carson City Charter Review Committee—the citizens appointed by the Board of Supervisors and our Legislators—and they did not support the bill on a majority vote. In addition, our Board of Supervisors does not support the bill. I will leave it up to Mayor Robert Crowell to submit his remarks.

Senator Spearman:

You emphasized opposition to the bill two times, why?

Ms. Walker:

We will get the information to you in a letter. I do not know why, but it did come before the Charter Review Committee, which did not feel the changes were necessary and voted it down. The Board of Supervisors did not agree with the methodology developed in this bill. I will leave it to Mayor Robert Crowell, who is the expert, to submit his testimony.

Chair Parks:

All five members of the Board of Supervisors appoint somebody. The legislative members of the district appoint somebody. Is there a subsequent vote to ratify their appointments, or are their appointments automatic?

Ms. Walker:

As I understand it, the current process has a Senator and Assemblyman who appoint someone, as well as the Board of Supervisors. It will not be an appointment, but a nomination. The nomination goes before the Board of Supervisors and the Board selects that person.

Assemblyman Livermore:

The current process calls for a nomination of all parties. I was issued a letter to give multiple nominations if I wished to do so. During a public meeting, the Board would interview the nominees and select people to sit on the Committee. My perspective as a Legislator is that I do not get to select anybody who sits on the Committee; I am only allowed to nominate. Each member of the Board is allowed to give a nomination and a selection. It is not fair or appropriate for a Legislator to have to give a nomination and not be part of the decision. The Board members also have the right to establish the numbers of membership to the Committee; I could give two members, they could give five and appoint all five of their nominees and my nominees would not get a seat. That is why I brought the bill forward—to get equity to make sure that future Legislators are allowed to make appointments to the Charter Committee.

Last Thursday, at my request, the Board of Supervisors heard A.B. 312. I ask that you go to Access Carson City television and look at the video of that meeting. You would be astounded at the content of the meeting and the public

presentation given by an individual. I am contemplating a place for my own safety because a person who declared war on me is going to take no prisoners.

The Board of Supervisors made a finding not to contest the appointment process because the Board did not like the Charter Review Committee coming to the Legislature. How are people to bring their issues to enact a change in their Charter? Only the Legislature can change the Charter. The Board of Supervisors cannot address a change in the Charter. The citizen's Committee should have a right to request a change of the Charter if that is important to them.

Chair Parks:

We will close the hearing on A.B. 312 and open A.B. 382.

ASSEMBLY BILL 382 (1st Reprint): 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 Crescent Hardy (Assembly District No. 19):

I have prepared written testimony ([Exhibit F](#)). There are no amendments to this bill.

Warren B. Hardy II (City of Mesquite; Virgin Valley Water District):

The City of Mesquite has two Mesquite Lands Acts where the federal government provided land for the City. Within the federal requirements, we are required to develop a habitat plan. We have had the plan in the works for a few years. In the meantime, we have been participating in Clark County's plan in which the rest of the entities in Clark County participate.

Over the last couple of years, Mesquite has made the determination that it is better served by having its own plan. The Clark County plan covers about 78 species, but the only species common to the Virgin Valley is the desert tortoise. Mesquite has five other species required to be covered by the federal government. We had to do one of two things: create our own plan or expand the Clark County plan to include those four riparian species, three of which are specific to the Virgin River. Discussions with the community, the Board of Directors of the Virgin Valley Water District and of the City of Mesquite have determined it would be best for us to pursue our own plan, which is underway.

We are in the midst of conversations with the Bureau of Land Management, U.S. Fish and Wildlife Service, Division of Forestry and Clark County.

While going through the process of pursuing our own plan, our new City Attorney could not find State law that authorized the City of Mesquite to collect the fee for Clark County. We requested the Legislative Counsel Bureau's (LCB) opinion through Assemblyman Hardy, and the counsel concurred. Counsel discovered that the City of Mesquite, City of Las Vegas, Boulder City, City of North Las Vegas, and the City of Henderson are not authorized to collect that fee. When the Endangered Species Act happened, enabling legislation authorized the collection by the County to be submitted into a County fund. In practice, each entity collects the fee through its building department and submits it to Clark County.

This bill allows us to continue collecting the fee and keep it in the City of Mesquite for our own study. There is no amendment; it was adopted in the Assembly.

If we have not been legally able to collect this fee, what happens now? We asked the LCB this question. The answer was that if people come forward to say they paid their \$550 per acre and the City of Mesquite was not authorized to collect fees, we would be obliged to give them their money back if they requested it. However, an individual would be required to come up with his or her own habitat plan at the cost of hundreds of thousands of dollars.

This curative language corrects the problem not only for the City of Mesquite but for other entities. There are varying interpretations. Some entities do not agree with us and will continue to collect the fee for the County. I am a product of the Legislature, so I choose to go with the LCB opinion. This is an important piece of legislation, allowing Mesquite to continue with its conservation plan.

Senator Goicoechea:

Have you been collecting your \$550 per acre fee and submitting it to Clark County because you were technically collecting it under the guise of the County?

Mr. Hardy:

We have received coverage for the endangered species. We have received some benefit.

Senator Goicoechea:

From this point forward, you would collect the \$550 and use it for the Mesquite plan, and none would be remitted to Clark County?

Mr. Hardy:

Going forward, all the money would stay in Mesquite. In addition, we are looking at creative ways in which Mesquite can recoup some of the money it has put into Clark County.

Clark County has been an integral part of these conversations; it has been a collaborative effort. The County supports us creating our own plan and keeping the funds. There is no reason the County should have those funds. If the County did not support the Mesquite plan, those five other species unique to the Virgin Valley would have to be incorporated into the Clark County plan, which the County is not anxious to do. We are not anxious to continue funding the 77 species that do not apply to us; the only common species is the desert tortoise.

Chair Parks:

We will close the hearing on A.B. 352 and open the hearing on A.B. 99.

ASSEMBLY BILL 99 (1st Reprint): Revises the Uniform Law on Notarial Acts.
(BDR 19-1)

Assemblyman James Ohrenschall (Assembly District No. 12):

I am pleased to be here as one of our State's Commissioners on the National Conference of Commissioners on Uniform State Laws. I have served on the Commission for 2 years and have had the privilege of being on study committees for an Eyewitness Identification Procedures Act and on a model Veterans Court Act. The Commission has been in existence for almost 120 years and has been busy in promulgating uniform acts and model acts which have helped the states, especially when there is a desirability of uniformity in those state laws. I have been privileged to work with Terry Care, a former State Senator who is the Chair of the Legislative Committee, overseeing the agenda as to what kinds of uniform and model acts engage the Commissioners.

Assembly Bill 99 has to do with revisions to our Uniform Law on Notarial Acts. The Commissioners first adopted this in 1982, with Nevada adopting its version

in 1993. Many of the Commissioners' revisions promulgated in 2010 were already incorporated into State law; that is why many sections of the bill were deleted in the Assembly. Former Senator Care, Nicole Lamboley from the Secretary of State's Office and I worked on a bill that still accomplished a lot of good. There is a friendly amendment ([Exhibit G](#)) proposed by Ms. Lamboley and the Secretary of State.

Senator Goicoechea:

Per section 35.7, subsection 8, if a person is physically unable to sign a document, that person may designate a person to sign for him or her. What is the process?

Nicole Lamboley (Chief Deputy, Office of the Secretary of State):

This provision helps us to further comply with the Americans With Disabilities Act. The person who is physically unable to sign would designate a person to appear before the notary to sign for him or her in the person's presence. Two witnesses would appear before the notary to say that the person was there at his or her own free will. There is existing law allowing someone physically unable to sign a document to use a mark: toe, mouth, pen, nod, etc.

Senator Goicoechea:

There is nothing to prevent the notary from going to that person's bedside?

Ms. Lamboley:

Correct. The notary also has to use discretion to determine that the person is signing willfully. If the notary were to question that, the notary could refuse and, in some cases, require a guardian ordered by a court to assist in the signing.

Terry Care:

I am representing myself and my capacity as Uniform Law Commissioner. The Uniform Law Commission normally takes a couple of years to study an issue and another 2 years to draft a bill. The Uniform Law Commission was looking at revisions due to changes in technology and the phenomenal growth of the amount of lenders across state lines and topics related to that. The Commission determined that there should be revisions to the Uniform Law on Notarial Acts. Our State, largely because of Secretary of State Ross Miller, had already made many of the substantive similar changes contained in the Revised Uniform Law on Notarial Acts.

A few provisions in the bill are unique to the Uniform Law on Notarial Acts. Senator Goicoechea's question about section 35.7 is one of them. Sections 10 and 33 address the use of "domestic partner" because Nevada adopted the Domestic Partnership Act in 2009, and certain prohibitions against acts by notaries involve a relative—domestic partner had to be included in the revised act in this State. Section 35.3, subsection 1, has added paragraph (e): "A person authorized to perform the specific act by the law of a federally recognized Indian tribe or nation." Section 35.5, subsection 1 has two new paragraphs: "(d) A person authorized by federal law to perform notarial acts; or (e) A person authorized by the law of a federally recognized Indian tribe or nation to perform notarial acts."

It is the Secretary of State's bill at this point; additional questions should go to that office.

Chair Parks:

Do people who are not typically notaries have to do filings with the Secretary of State?

Ms. Lamboley:

We generally have signatures on file, whether they come through an oath of office or we collect them as needed. If we do not have a signature on file and it is a public officer, we can contact the public officer, which is in the Authentication of signature NRS 240.205.

We support A.B. 99 because it fixes some things we are missing in current notary law in NRS 240.

The amendment is language adopted by the 76th Legislative Session and relates to a person who signs multiple documents daily before a notary. This language intends to say that the person is an employer or coworker of the notary and the transaction is performed in the ordinary course of business, excluding personal transactions. This allows the "personally known" to extend to a person who is employed and the issuance or recording of the notarial act in the notary's journal can be entered once, putting a line that he or she notarized a document.

Erin McMullen (Association of Gaming Equipment Manufacturers):

We support the bill. It will streamline the notarial process.

Assemblyman Ohrenschall:

This is an important bill. A notary is important when you need one. This bill and its revisions will help our constituents.

Senator Spearman:

This bill will help returning veterans with injuries that preclude their signing documents.

Chair Parks:

We will close the hearing on A.B. 99. We will begin our work session with A.B. 13.

ASSEMBLY BILL 13 (1st Reprint): Revises provisions relating to hearings conducted by the Local Government Employee-Management Relations Board. (BDR 23-353)

Patrick Guinan (Policy Analyst):

This bill was heard on April 24. There are no amendments in the work session document ([Exhibit H](#)). Today, we received a letter of support from Brian Scoggins, Commissioner, Employee Management Relations Board, which is included in [Exhibit H](#).

SENATOR GOICOECHEA MOVED TO DO PASS A.B. 13.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Parks:

We will now go to work session for A.B. 16.

ASSEMBLY BILL 16 (1st Reprint): Provides for the compilation and publication of the State Administrative Manual. (BDR 18-212)

Mr. Guinan:

This Committee heard A.B. 16 on April 24. The work session document ([Exhibit I](#)) has no amendments.

SENATOR SPEARMAN MOVED TO DO PASS A.B. 16.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Parks:

We will move on to A.B. 41.

ASSEMBLY BILL 41 (1st Reprint): Makes various changes to provisions relating to state purchasing. (BDR 27-283)

Mr. Guinan:

We heard A.B. 41 on April 29. The work session document ([Exhibit J](#)) has no amendments.

SENATOR GOICOECHEA MOVED TO DO PASS A.B. 41.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Parks:

We now move on to A.B. 45.

ASSEMBLY BILL 45 (1st Reprint): Revises various provisions relating to the Department of Administration. (BDR 33-306)

Mr. Guinan:

Assembly Bill 45 was heard by this Committee on April 24. The work session document ([Exhibit K](#)) has no amendments.

SENATOR HAMMOND MOVED TO DO PASS A.B. 45.

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SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Parks:

We are now on A.B. 57.

ASSEMBLY BILL 57: Revises provision governing the biennial report of the activities of the Nevada Equal Rights Commission. (BDR 18-373)

Mr. Guinan:

The Committee heard A.B. 57 on April 24. The work session document ([Exhibit L](#)) has no amendments.

SENATOR HAMMOND MOVED TO DO PASS A.B. 57.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Parks:

Assembly Bill 57 is passed. The next bill is A.B. 85.

ASSEMBLY BILL 85 (1st Reprint): Revises provisions governing certain purchasing contracts and consolidation agreements. (BDR 27-277)

Mr. Guinan:

This bill was first heard on April 29. There are no amendments in the work session document ([Exhibit M](#)).

Senator Goicoechea:

This is the piggybacking bill?

Chair Parks:

Yes. For the benefit of some Committee members, there was a well-known example of how one entity extended a contract and it was picked up by a lot of other entities.

SENATOR GOICOECHEA MOVED TO DO PASS A.B. 85.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Parks:

Our next bill is A.B. 252.

[ASSEMBLY BILL 252 \(1st Reprint\)](#): Makes various changes to the Nevada Administrative Procedure Act. (BDR 18-539)

Mr. Guinan:

This bill was heard on April 29. There are no amendments in the work session document ([Exhibit N](#)).

SENATOR GOICOECHEA MOVED TO DO PASS A.B. 252.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Parks:

The next bill we have is A.B. 266.

[ASSEMBLY BILL 266 \(1st Reprint\)](#): Revises provisions relating to veterans. (BDR 37-527)

Mr. Guinan:

This bill was first heard by our Committee on April 29. There are no amendments in the work session document ([Exhibit O](#)).

Chair Parks:

Two people signed in on the attendance roster in Las Vegas to speak in opposition to A.B. 266. We do not normally take public testimony during a work session, but I would ask if they briefly put their names on the record with information as to why they are opposed to A.B. 266.

Victor Moss:

I am not opposed to what the bill is trying to accomplish, but I would like to see a flaw in its wording corrected. I am asking that the wording be changed in the last line to—a person must have been discharged under “honorable” conditions to have the right to be called a veteran.

There are five types of discharges; only two discharges provide honorable service to our Country. The term dishonorable discharge is due to a criminal conviction in a court martial, for the worst of the worst: murder, rape, treason, etc. Two other forms of discharge should not be honored with the word “veteran” in a legal statute: Bad Conduct Discharge is a criminal discharge due to embezzlement or in cases such as that of U.S. Army Lieutenant William Calley for his part in the Vietnam My Lai Massacre. Other Than Honorable Discharge is an administrative discharge for people who did not conform or had numerous nonjudicial punishments. They are not generally entitled to veterans benefits through the U.S. Department of Veterans Affairs.

I am a retired master sergeant from the United States Air Force. I spent many years in service in uniform and have seen many different discharges. Those of us who serve as a career believe all veterans are created equally; it is what you do after the second day in boot camp that determines what you do and how you are referred to after the fact. The folks who have Bad Conduct Discharges and Other Than Honorable Discharges should not have the same privileges, rights and honor to be called a veteran as those of us who served our Country faithfully.

Senator Spearman:

The Other Than Honorable Discharge was sometimes given to people under Don't Ask, Don't Tell (DADT). The only reason they were considered nonconforming was because of their sexuality.

Joseph Meyer:

Persons discharged under whatever the law at that time have a mechanism to appeal to a Board of Corrections relative to their military discharges. Don't Ask, Don't Tell is a perfect example for making an appeal to the Discharge Review Board in order to make the discharge proper. When people were asked to leave military service prior to DADT, they were not given a Bad Conduct Discharge; they were discharged due to reasons incompatible to military service. That has since been changed, and I advocate for those individuals to move forward to the Discharge Review Board to have their discharges corrected.

That is a separate issue from A.B. 266, in that, if a person has anything other than an honorable or a general discharge, those rights and privileges as well as those State-funded veterans benefits should only be afforded to those people who have honorable or general discharges under honorable conditions. The language in A.B. 266 includes people with State veterans benefits who did not serve honorably. That is why I am here.

Senator Spearman:

I want to put on the record.

There were some service members who were discharged under Don't Ask, Don't Tell and given Other Than Honorable Discharges. To that point, there were also some service members who are in Arlington National Cemetery; they just weren't found out under Don't Ask, Don't Tell. But, indeed, if they had been found out, they probably would have been given an Other Than Honorable Discharge. I understand the statements that were made, but given the fact that there were service personnel who wanted to serve their Country, some of them who did serve their Country, some of them who have lost limbs while serving their Country, and some who gave the ultimate sacrifice. And other than their sexuality, they were great soldiers, great service people. And it wasn't until 2010 that we recognized that mistake and corrected it.

Chair Parks:

I notice this bill did come with the support of the Office of Veterans' Services. I would like to hold this bill to consult with Caleb Cage for further input.

We will hold A.B. 266 and go to our last work session for today, A.B. 356.

ASSEMBLY BILL 356 (1st Reprint): Encourages the development of recommendations to preserve the Nevada State Prison for historic and certain other purposes. (BDR S-493).

Mr. Guinan:

We first heard A.B. 356 on April 29. There are no amendments in the work session document ([Exhibit P](#)).

Chair Parks:

I would like to get verification from E.K. McDaniel that mitigation of the facility will occur until such time as we can decide what to do. The Mapes Hotel keeps coming to mind; no mitigation was taken up for years and it had to be torn down.

E.K. McDaniel (Deputy Director, Operations, Department of Corrections):

Mitigated is a difficult word to answer. Even when the prison was active, we had ongoing problems with pigeons. We are maintaining the facility by painting and cleaning as best we can with the budget we have, and we will continue to do that.

SENATOR MANENDO MOVED TO DO PASS A.B. 356.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Parks:

That concludes our work session for today. We are adjourned at 3:29 pm.

RESPECTFULLY SUBMITTED:

Gwen Barrett,
Committee Secretary

APPROVED BY:

Senator David R. Parks, Chair

DATE: _____

<u>EXHIBITS</u>				
Bill	Exhibit		Witness / Agency	Description
	A	2		Agenda
	B	10		Attendance Roster
A.B. 9	C	10	Cadence Matijevich	Written Testimony
A.B. 9	D	66	Cadence Matijevich	City of Reno Civil Service Commission Rules and Membership
A.B. 312	E	3	Lawrence A. Werner	Letter of Opposition
A.B. 382	F	1	Assemblyman Crescent Hardy	Written Testimony
A.B. 99	G	1	Nicole Lamboleay	Proposed Amendment
A.B. 13	H	2	Patrick Guinan	Work Session Document
A.B. 16	I	1	Patrick Guinan	Work Session Document
A.B. 41	J	1	Patrick Guinan	Work Session Document
A.B. 45	K	1	Patrick Guinan	Work Session Document
A.B. 57	L	1	Patrick Guinan	Work Session Document
A.B. 85	M	1	Patrick Guinan	Work Session Document
A.B. 252	N	1	Patrick Guinan	Work Session Document
A.B. 266	O	1	Patrick Guinan	Work Session Document
A.B. 356	P	1	Patrick Guinan	Work Session Document