

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

**Seventy-Seventh Session
May 15, 2013**

The Senate Committee on Government Affairs was called to order by Chair David R. Parks at 1:37 p.m. on Wednesday, May 15, 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 Peter Livermore, Assembly District No. 40

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Heidi Chlarson, Counsel
Suzanne Efford, Committee Secretary

OTHERS PRESENT:

Robert Crowell, Mayor, Carson City

Chair Parks:

We will start the work session with Assembly Bill (A.B.) 281.

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

Senate Committee on Government Affairs
May 15, 2013
Page 2

Patrick Guinan (Policy Analyst):

I will summarize A.B. 281 as contained in the work session document ([Exhibit C](#)).

SENATOR MANENDO MOVED TO DO PASS A.B. 281.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Parks:

The second bill in the work session is A.B. 312.

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

Mr. Guinan:

I will summarize the bill as contained in the work session document ([Exhibit D](#)).

Chair Parks:

We had considerable discussion on this bill in our previous hearing. There was also a suggested language change.

Mr. Guinan:

Mary Walker sent a proposed amendment to your office ([Exhibit E](#)); however, it was not submitted formally to the Committee at the hearing. I can read it into the record if you would like the Committee to discuss it.

Chair Parks:

Let us hold it for the moment. The part of the bill that concerns me is curbing the powers of the supervisors.

Robert Crowell (Mayor, Carson City):

Last week, the Carson City Board of Supervisors voted in two parts. One vote was on the issue of nomination versus appointment. They had no problem with the ability of elected officials to appoint members to the Charter Committee. However, they voted against the provisions of A.B. 312 that would provide for

the Charter Committee to make its own independent recommendations to the Legislature without having the input of the Board. The theory behind it, as I understand, is that it puts the power of making changes to the Charter of Carson City in the hands of nonelected officials who do not represent the City other than by the appointment process. Therefore, the Board asked that there be either an amendment to this bill to not allow the Charter Committee independent access to the Legislature without going through the Board as provided by the City Charter, or that the bill not be processed.

Every 2 years we make recommendations to the Legislature regarding changes to the City Charter.

Senator Spearman:

As drafted, the bill allows the Board of Supervisors to appoint people to the Charter Committee who would then make recommendations directly to the Legislature. Had you discussed this with the sponsor of the bill?

Mr. Crowell:

I have at length.

Assemblyman Peter Livermore (Assembly District No. 40):

I agreed to that amendment to the bill by Assemblyman Richard Daly. Other city charters are set to allow their charter committees to report directly to the Legislature. The amendment put the Carson City Charter in line with those other charters.

However, the bill calls for a conference between the Charter Committee and the Board of Supervisors. It does not call for a vote of the Board as in the past. Therefore, I am fine with the bill the way it is written. I am sorry that I did not receive anything from anyone who wanted to amend the bill.

I have consulted with Mayor Crowell and I respect his leadership; however, the bill is most appropriate as written.

Senator Spearman:

Is it your understanding that with the passage of this bill, Carson City would be synchronized with other cities? Why is it necessary for the Charter Committee to go directly to the Legislature and not go through the Board?

Assemblyman Livermore:

That was an amendment offered by Assemblyman Daly. He is from Sparks where that has worked fine. The Sparks mayor and board readily assist their charter committee by recommending changes to the charter. Only the Legislature can change a charter. The intent of Assemblyman Daly's amendment is to capture those things that charter committees sense and see because they are citizens' committees. Such items are not being brought to the Legislature for consideration.

Senator Spearman:

The intent of this legislation is to ensure that whatever the Carson City Charter Committee discusses goes directly to the Legislature without filter.

Assemblyman Livermore:

The Charter Committee has to vote in a positive manner in order to go directly to the Legislature. If it votes in a negative manner, then it will not go to the Legislature because the Charter Committee functions under the same methods as the Carson City council and this legislative body. I foresee that would be the case. If the Charter Committee amends the charter, there would have to be a positive vote in the Committee on the changes.

Senator Spearman:

On page 2, line 21, the bill states that each member of the Charter Committee must "(a) Be a registered voter in Carson City; (b) Serve a term concurrent to the term of the public officer by whom her or she was appointed, or at the pleasure of that public officer."

If the members are appointed by someone who is elected, are they speaking for that person?

Mr. Crowell:

I do not see it that way. The Charter Committee is an advisory committee to the Board of Supervisors. The Charter is the document by which we live and govern ourselves. It is a critical document like the *Constitution of the State of Nevada*. The Board believes that changes to the Charter should be vetted not only by the citizens but by the people elected to govern according to that Charter.

The changes suggested to this bill, such as the direct report issue, have never been discussed or recommended by our Charter Committee. If our

Charter Committee is to have any sanctity at all, the first chance at making a sweeping change such as this should be given to the Committee and then to the Board of Supervisors in accordance with existing procedure. That is not provided for in the bill, and our Board has concerns about that. The Supervisors, who are elected by the citizens, should have considerable say on how we live and govern ourselves in our community.

I appreciate the fact that our community may be different than Sparks, Reno or Henderson.

Senator Goicoechea:

I am reviewing the bill. Your Charter Committee would have eight people because you have five supervisors, the mayor and two members nominated by your legislative representation.

Mr. Crowell:

We have five supervisors and two Legislators who represent Carson City; therefore, there are seven positions.

Assemblyman Livermore:

The Mayor is a member of the Board of Supervisors.

Senator Goicoechea:

The bill says "The Mayor and each other member of the Board."

Mr. Crowell:

That is correct.

Senator Goicoechea:

The Mayor is a member of the Board of Supervisors.

Mr. Crowell:

Right.

Senator Goicoechea:

Therefore, a seven-member board, whose members are all elected in some capacity, would make these appointments.

Mr. Crowell:

That is correct.

Senator Spearman:

I am still trying to understand this. If the members of the Charter Committee are appointed by someone who is elected, then, in a manner of speaking, they are of like minds. However, a provision in the bill, on page 3, line 30, states "A member of the Charter Committee may be removed by the public officer, or his or her successor in office, who appointed the member." If a member of the Charter Committee does something untoward, a procedure exists for his or her removal because members serve at the pleasure of the person who appointed them.

Mr. Crowell:

I do not doubt that they serve at the pleasure. The question is: What is the appropriate role for an advisory committee with respect to making or suggesting changes to the governing document of the City? It is the Board's position that those changes should be studied—testimony taken by our Charter Review Committee—and reviewed in a joint session of the Board and the Committee to determine what changes are necessary to go forward for the Legislature's consideration. If the bill remains as is, only appointed nonelected officials make those changes, and you will have taken that power from the elected officials and, in a sense, from the constituency that elected them.

Senator Spearman:

This legislation was brought for some reason.

Assemblyman Livermore:

The legislation was first brought by me for appointments instead of nominations. Then my colleague, Assemblyman Daly, convinced me to amend the bill to make it consistent so all charter committees would report to the State Legislature.

I served for 12 years on the Carson City Board of Supervisors. While I was a member, the Charter Committee recommended that the formation of ward voting be brought to the Legislature. I voted against it; therefore, it did not go to the Legislature. I do not regret that because it was a different circumstance and a different time. Not all the things the Charter Committee recommends go to the Legislature. The Mayor or the Board of Supervisors can have the same

seat at the table with the Charter Committee and explain to this Legislature why it is appropriate. That final step is made at a different level than previously.

Senator Spearman:

The purpose of the bill is to address what citizens believe is a filter, which does not allow their voices to be heard by the Legislature.

Assemblyman Livermore:

That might be the case. I do not want to doubt that. However, there was a majority vote on that Board and I used my vote to not listen to the community and not make that part of the Charter. There are people in this community who believe that and, as a supervisor, I filtered that out. It did not come to the Legislature. That was just the process. The process in this bill will work better because not only will the Mayor and the Board, in consultation with the Charter Committee, but our legislative committees will understand whether it is appropriate to amend the City's Charter.

Chair Parks:

I have concerns with the removal of language in section 1.5, for section 1.090 of the Charter, subsections 3 and 4. Just because an entity has that language in its charter does not mean that any other entity should have that language in its charter. Therefore, I agree with allowing the elected officials, whether it is a city council or board of supervisors, to make whatever recommendations they deem necessary and recommendations made by an appointed body need to come back to the appointing authority.

I have no problem with holding this over if there is any thought of needing and making other changes.

Senator Goicoechea:

Assemblyman Livermore, have you seen the amendment offered by Mary Walker in [Exhibit E](#)?

Assemblyman Livermore:

No, I have not.

Senator Goicoechea:

We have an amendment offered on behalf of the Carson City Board of Supervisors. Please review that and perhaps you can dispel the concerns of

Senator Parks and determine if there is an opportunity to incorporate some of that language into the bill for the Charter Committee and the Board of Supervisors to meet jointly to prepare those recommendations.

Assemblyman Livermore:

I have not had time to review it, but I will look at it if that is the Committee's pleasure.

Chair Parks:

The next bill in the work session is A.B. 321.

ASSEMBLY BILL 321 (2nd Reprint): Revises provisions governing the Merit Award Program for state employees. (BDR 23-760)

Mr. Guinan:

I will summarize A.B. 321 as provided in the work session document ([Exhibit F](#)).

SENATOR HAMMOND MOVED TO DO PASS A.B. 321.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Parks:

The next bill is A.B. 327.

ASSEMBLY BILL 327 (1st Reprint): Revises provisions governing state accountability. (BDR 31-554)

Mr. Guinan:

I will summarize the bill as contained in the work session document ([Exhibit G](#)).

SENATOR MANENDO MOVED TO DO PASS A.B. 327.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Parks:

The next bill in the work session is A.B. 333.

ASSEMBLY BILL 333 (1st Reprint): Revises provisions relating to incentives for economic development. (BDR 31-811)

Mr. Guinan:

I will summarize the bill as contained in the work session document ([Exhibit H](#)).

Senator Spearman:

This legislation ushers in an infrastructure for checks and balances. Many of our constituents are concerned about the tax abatements given and often do not know the return on the investment. This legislation provides an innovative infrastructure by which to do that. I like what the bill says regarding the review after 2 years, and if concerns are not fixed in 5 years, then the business has to pay back the abatements. This goes a long way toward helping us ensure some accountability when people make promises in order to get abatements.

Senator Hammond:

As I listen to this, not only did it increase, but it broadened the scrutiny by adding in a few things that we would be looking at for those we have brought into the State for the abatements. That is good policy. Anytime you increase the level of protection on taxpayer money is a good thing.

SENATOR GOICOECHEA MOVED TO DO PASS A.B. 333.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Parks:

The next bill is 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)

Mr. Guinan:

I will summarize A.B. 382 as contained in the work session document ([Exhibit I](#)).

SENATOR GOICOECHEA MOVED TO DO PASS A.B. 382.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Parks:

The next bill in the work session is A.B. 383.

ASSEMBLY BILL 383 (1st Reprint): Revises provisions governing the Sunset Subcommittee of the Legislative Commission. (BDR 18-160)

Mr. Guinan:

I will summarize A.B. 383 as contained in the work session document ([Exhibit J](#)).

SENATOR SPEARMAN MOVED TO DO PASS A.B. 383.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Parks:

The next bill is A.B. 417.

ASSEMBLY BILL 417 (1st Reprint): Makes various changes relating to redevelopment. (BDR 22-234)

Mr. Guinan:

I will summarize the bill as contained in the work session document ([Exhibit K](#)).

Chair Parks:

I like this bill because it bears much resemblance to a bill I had in the 76th Session which would have created a Bank of Nevada. Unfortunately, certain sections in the Nevada Constitution limited what we might do. This bill steps in to address the issue to a certain extent.

SENATOR SPEARMAN MOVED TO DO PASS A.B. 417.

SENATOR GOICOCHEA SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Parks:

The last bill in the work session is A.B. 418.

ASSEMBLY BILL 418 (1st Reprint): Revises provisions relating to the distribution of proceeds from certain taxes ad valorem. (BDR 31-1087)

Mr. Guinan:

I will summarize the bill as contained in the work session document ([Exhibit L](#)).

SENATOR HAMMOND MOVED TO DO PASS A.B. 418.

SENATOR GOICOCHEA SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Senate Committee on Government Affairs
May 15, 2013
Page 12

Chair Parks:

That concludes the work session. Having no further business to come before the Senate Committee on Government Affairs, the meeting is adjourned at 2:19 p.m.

RESPECTFULLY SUBMITTED:

Suzanne Efford,
Committee Secretary

APPROVED BY:

Senator David R. Parks, Chair

DATE: _____

<u>EXHIBITS</u>				
Bill	Exhibit		Witness / Agency	Description
	A	2		Agenda
	B	1		Attendance Roster
A.B. 281	C	1	Patrick Guinan	Work Session Document
A.B. 312	D	1	Patrick Guinan	Work Session Document
A.B. 312	E	1	Mary Walker	Proposed Amendment
A.B. 321	F	1	Patrick Guinan	Work Session Document
A.B. 327	G	1	Patrick Guinan	Work Session Document
A.B. 333	H	1	Patrick Guinan	Work Session Document
A.B. 382	I	1	Patrick Guinan	Work Session Document
A.B. 383	J	1	Patrick Guinan	Work Session Document
A.B. 417	K	1	Patrick Guinan	Work Session Document
A.B. 418	L	1	Patrick Guinan	Work Session Document