

**MINUTES OF THE  
SENATE COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Seventy-Eighth Session  
May 13, 2015**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Patricia Farley at 3:45 p.m. on Wednesday, May 13, 2015, in Room 2144 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 Patricia Farley, Chair  
Senator James A. Settelmeyer, Vice Chair  
Senator Greg Brower  
Senator Kelvin Atkinson

**COMMITTEE MEMBERS ABSENT:**

Senator Tick Segerblom (Excused)

**GUEST LEGISLATORS PRESENT:**

Senator Pat Spearman, Senatorial District No. 1  
Senator Joyce Woodhouse, Senatorial District No. 5  
Assemblywoman Victoria Seaman, Assembly District No. 34

**STAFF MEMBERS PRESENT:**

Michael Stewart, Policy Analyst  
Kevin Powers, Legislative Counsel  
Haley Johnson, Committee Secretary

**OTHERS PRESENT:**

Jeffery Klein, Chair, Nevada Commission on Aging Legislative Subcommittee;  
President, CEO, Nevada Senior Services, Inc.

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Susan Hirsch, Director, Care Partner and Community Initiatives, Nevada Senior Services, Inc.

Daniel Mathis, Nevada Health Care Association

Connie McMullen, Nevada Commission on Aging

Barry Gold, AARP

Pat Sanderson, Nevada Alliance for Retired Americans

Jim Morrison, CEO, Administrator, Rosewood Rehabilitation Center

John Fudenberg, Clark County

Alan Glover, Special Assistant to the Secretary of State, Office of the Secretary of State

Judy Stokey, NV Energy

Kyle Davis, Southwest Energy Efficiency Project

Alisa Nave, Southern Nevada Home Builders Association

Gail Tuzzolo, Nevada State AFL-CIO

Richard Work, International Brotherhood of Electrical Workers Local 357

Joe Johnson, Sierra Club

Jeremy Newman, International Brotherhood of Electrical Workers Local 396

Peggy Lear Bowen

Tim Farkus, Director, Ameresco, Inc.

Juanita Clark, Charleston Neighborhood Preservation

**Chair Farley:**

We will begin our meeting today with Senate Bill (S.B.) 269.

**SENATE BILL 269**: Establishes an interim study committee to research issues regarding the behavioral health and cognitive care of older persons.  
(BDR S-1035)

**Senator Joyce Woodhouse (Senatorial District No. 5):**

Senate Bill 269 proposes to create a long-overdue interim study to research and make recommendations regarding the behavioral and cognitive care of older persons. I have submitted my prepared testimony ([Exhibit C](#)).

**Chair Farley:**

I know that we have the Legislative Committee on Health Care. By any chance, can this be incorporated into that committee?

**Senator Woodhouse:**

That is a possibility, but I would prefer not to because this is a large and important enough issue on its own. We need to focus on this issue separately.

During the last interim, I served on the Legislative Committee on Health Care. A broad range of issues, particularly mental health issues, are a priority on that Committee. We spent most of our time on mental health issues.

This study is certainly at the top of my list of priorities to be funded this Session, because we need to move forward as the older population continues to grow. If we can manage it, I would prefer for this issue to be separate from the Health Care Committee because of its significance.

**Jeffery Klein (Chair, Nevada Commission on Aging Legislative Subcommittee; President, CEO, Nevada Senior Services, Inc.):**

On behalf of the Nevada Commission on Aging Legislative Subcommittee, we strongly urge your approval of S.B. 269. Nevada urgently needs an in-depth study of behavioral and cognitive issues associated with older adults. I have submitted my prepared testimony ([Exhibit D](#)).

**Susan Hirsch (Director, Care Partner & Community Initiatives, Nevada Senior Services, Inc.):**

On behalf of Nevada Senior Services, a not-for-profit, community-based organization serving disabled individuals, we urge your approval of S.B. 269. I have submitted my prepared testimony ([Exhibit E](#)).

**Daniel Mathis (Nevada Health Care Association):**

I have submitted four documents to the Committee as compelling information for your reference.

The first document details the Improving Medicare Post-Acute Care Transformation (IMPACT) Act of 2014 ([Exhibit F](#)). It was signed into law by President Barack Obama in October 2014. It incorporates and consolidates data from all post-acute care providers; changes how Nevada treats these issues and takes down the independent towers in post-acute care. A couple of the IMPACT elements are to conduct studies and reports to link payments to quality, and add a staffing measure for skilled nursing facilities.

Senate Bill 269 calls for appropriate funding in skilled nursing and a higher rate of reimbursement by Medicaid for nursing facilities that are prepared and trained to support older persons. That actually happened May 1.

The next two documents include the Behaviorally Complex Care Program Request Form ([Exhibit G](#)) and the Evaluation of the Behavioral Complex Care Program ([Exhibit H](#)). These forms go over the points system used by skilled nurses to request the rate of care. This component of S.B. 269 is already in motion. We have not yet had our first admission but look to have one before the end of May.

The fourth document illustrates the Quality Initiative that the American Health Care Association issued in 2014 ([Exhibit I](#)). The top three elements to improving organizational success are increasing staff stability, adopting a customer satisfaction questionnaire and measures, and reducing the number of unintended health care outcomes.

The final document is a press release ([Exhibit J](#)) from the Nevada Health Care Association which announces Nevada's plans to improve care on these important quality care measures.

I want to work with the bill sponsor to include the appropriate language from Assembly Bill (A.B.) 242 for post-acute care measures and the waiver program in the study.

**Connie McMullen (Nevada Commission on Aging):**

Last year, the Nevada Commission on Aging voted to support the need for senior mental health and advocacy to bring awareness of the growing lack of services in the State. Seniors are going to be a huge drain on our State; Nevada has one of the highest rates of dementia and Alzheimer's disease nationwide. I have submitted my prepared testimony ([Exhibit K](#)).

**Barry Gold (AARP):**

On behalf of the 314,000 AARP members across the State, we urge you to pass S.B. 269 and create this study. People say a society is judged by how it treats its elders. Let us make it happen Nevada.

**Pat Sanderson (Nevada Alliance for Retired Americans):**

I agree with those who have spoken before me. Please support S.B. 269.

**Jim Morrison (CEO, Administrator, Rosewood Rehabilitation Center):**

I offer my support for S.B. 269. Our facility was recently recognized with the Perry Foundation Endeavors Award from the Nevada Health Care Association for being No. 1 in the State for quality. We want to commit our time in the data collection and whatever else the study requires.

**John Fudenberg (Clark County):**

Clark County is in support of S.B. 269.

**Chair Farley:**

I close the hearing on S.B. 269. We will begin our work session with A.B. 177.

**ASSEMBLY BILL 177 (1st Reprint):** Revises provisions governing elections.  
(BDR 24-627)

**Michael Stewart (Policy Analyst):**

Assembly Bill 177 makes various changes relating to candidates for public office. I have submitted the work session document ([Exhibit L](#)).

**Senator Settlemeyer:**

I still have concerns with the requirement that an individual must be in Nevada for 2 years before she or he can run for office. I think that we should just leave it where it is at 1 year.

**Kevin Powers (Legislative Counsel):**

The record is clear that the 2-year period only applies to State legislative candidates.

**Senator Settlemeyer:**

I appreciate that. We need to keep statute, which I believe is 1 year.

**Senator Atkinson:**

One, I still have an issue with charging people with felonies. Enough crimes out there put folks into felony categories, and I do not know if this rises to that level.

Second, I still have a problem accepting that the second-place candidate automatically moves into the winner's spot if the winner is found ineligible.

**Assemblywoman Victoria Seaman (Assembly District No. 34):**

It states that the eligible candidate with the most votes will win. Only the eligible candidate can win; if someone is declared ineligible by a district court judge, the votes that candidate received do not count. The eligible candidate with the most votes would be the winner of the election.

**Senator Atkinson:**

I still have an issue with that. We already have a mechanism for seating candidates in this body. The county commissioner has the authority to do that.

In a district like mine, where I won by 81 percent of the votes, say I somehow missed the residency requirement by 1 day. I will not only be charged with a felony and kicked off the ballot, but then the person with 19 percent of the vote in a dominantly Democratic district would take my place. There is something wrong with that math.

I will continue to vote no because of no cooperation on that aspect.

**Senator Brower:**

Section 6 has a provision for a Category E felony, but I know the Legislative Counsel's Digest also references a misdemeanor. I am trying to make sense of this.

**Mr. Powers:**

Under statute, a violation of the residency requirement is a gross misdemeanor. That is why statute references the Digest. This bill would change all of those references from gross misdemeanors to Category E felonies.

**Senator Brower:**

I suggest we consider amending the bill to retain the gross misdemeanor, the punishment currently provided, if there is an appetite on the part of the Committee to do so.

**Senator Settlemeyer:**

To clarify this, we want an amend and do pass with the amendment from Clark County while leaving the penalty as a gross misdemeanor, not going to a Category E felony. We will also amend the residency requirement to be the same at a 1-year requirement, rather than making it 2 years.

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS AS AMENDED A.B. 177 WITH THE PROPOSED AMENDMENT FROM CLARK COUNTY AND PROPOSED CONCEPTUAL AMENDMENTS.

**Senator Atkinson:**

I do not understand. Are we accepting all amendments or was Senator Settelmeyer just amending what he wanted to change?

**Senator Brower:**

My interpretation was that Senator Settelmeyer articulated the proposed amendments and the motion was made.

SENATOR BROWER SECONDED THE MOTION.

**Chair Farley:**

What was your amendment?

**Senator Atkinson:**

I proposed that we keep the provisions intact to replace a candidate who has been deemed ineligible. When an individual who has been found guilty by the district court is kicked out and cannot be seated, the county commission replaces that person with the successor.

**Chair Farley:**

Some of the concern on that approach is it does not hurt the party enough. If the party runs an ineligible candidate, they still get to put in another candidate.

**Senator Atkinson:**

That is where I have a problem. You all suggest that a party runs a candidate. The party does not run a candidate. If an individual wants to file for office and run for election, it is her or his decision.

Several people in the Assembly who were not backed by your party are in office today. I do not necessarily think the party being is punished, it is more so the individual.

The party is not paying the fine, and the party is not being kicked off the ballot. It is not right to punish the party. Some individuals choose to run without their party's permission. It is not about the party, it is about the individual. No one

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told Senator Spearman to run against an incumbent, but she is here today; and in her case, the party supported her opponent.

**Chair Farley:**

We have a motion and a second.

THE MOTION PASSED. (SENATOR ATKINSON VOTED NO.)

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**Chair Farley:**

The next bill on the work session is A.B. 252.

**ASSEMBLY BILL 252 (1st Reprint):** Revises provisions relating to elections.  
(BDR 17-737)

**Mr. Stewart:**

Assembly Bill 252 establishes the Legislative Advisory Commission on Reapportionment and Redistricting to develop plans to assist the Legislature with reapportionment. I have submitted the work session document ([Exhibit M](#)).

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

SENATOR BROWER SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR ATKINSON VOTED NO.)

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**Chair Farley:**

I close the work session on A.B. 252 and open the work session on A.B. 273.

**ASSEMBLY BILL 273:** Requires a cooling-off period before a former State Legislator may act as a paid lobbyist before the Legislature. (BDR 17-760)

**Mr. Stewart:**

Assembly Bill 273 prohibits a former Legislator from receiving compensation to lobby before the Legislature for a period that begins when the Legislator leaves

office and ends at the adjournment of the next regular session. I have submitted the work session document ([Exhibit N](#)).

SENATOR SETTELMAYER MOVED TO DO PASS A.B. 273.

SENATOR BROWER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**Chair Farley:**

The next bill on the work session is A.B. 460.

**ASSEMBLY BILL 460:** Expresses the intent of the Legislature to increase its membership in the next reapportionment and redistricting cycle. (BDR 17-1126)

**Mr. Stewart:**

Assembly Bill 460 expresses the intent of the Legislature to increase its membership in the next reapportionment and redistricting cycle. I submitted the work session document ([Exhibit O](#)).

**Senator Settelmeyer:**

I appreciate the concept of the bill and I will support it today, but I still have a few concerns.

SENATOR SETTELMAYER MOVED TO DO PASS A.B. 460.

SENATOR BROWER SECONDED THE MOTION.

**Senator Atkinson:**

How can we move to an even number of members? In the Senate, it may be possible because the Senate President can break ties, but who breaks the ties in the Assembly if a vote is split 22 to 22?

**Senator Settelmeyer:**

In our time in the Assembly, we never saw a tie, did we?

**Senator Atkinson:**

Yes, the vote was 21 to 21 at one point. I am sure of a vote that was split evenly. Who breaks a tie in the Assembly?

**Mr. Powers:**

If there is a tie in the Assembly, then the vote loses. There is no tie-breaking function in the Assembly because the Assembly Speaker actually has a vote. A vote is lost in the case of a tie.

THE MOTION PASSED. (SENATOR ATKINSON VOTED NO.)

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**Chair Farley:**

The next bill on the work session is A.B. 461.

**ASSEMBLY BILL 461 (1st Reprint):** Revises provisions governing elections.  
(BDR 24-614)

**Mr. Stewart:**

Assembly Bill 461 provides that in any pre-election action, if a court finds a candidate for any elective office who fails to meet any constitutional or statutory qualification of that office, the person is disqualified from entering upon the duties of the office for which the individual filed a declaration of acceptance or candidacy. I submitted the work session document ([Exhibit P](#)).

**Senator Brower:**

Mr. Glover, we are back to the felony issue, and I have to confess that I do not know off the top of my head all the punishments in statute for campaign and election law violations. Can you tell us why the proposal for a Category E felony is in section 1.5? Does this generally fit in with our statutory scheme? Or is this something different?

**Alan Glover (Special Assistant to the Secretary of State, Office of the Secretary of State):**

The position of the Office of the Secretary of State is we would like to retain that Category E felony because this is serious and we need to put an end to it. It was pointed out by legal counsel that few people ever go to prison for a Category E felony. Individuals in this category are usually put on probation.

We wanted to come out with a strong statement saying that if an individual runs for office when not qualified, there will be strict consequences.

The original bill had a Category D felony, but it was marked down in the Assembly.

**Senator Brower:**

Is this penalty new then? Are there any felony offenses under *Nevada Revised Statutes* (NRS) 293 or any other election laws?

**Mr. Powers:**

Under election code NRS 293.800, general violations of the election law are a Category E felony. The gross misdemeanor for the residency requirements was actually lower than the general penalty for the election law violations.

Raising it to a Category E would make it equivalent to violations of the election laws. As an example, if a person were to file a false application to register to vote, that would be a Category E felony. This would actually make filing a false residency requirement equivalent to filing a false application to register to vote, making them both Category E felonies.

**Senator Brower:**

So some election law offenses are misdemeanors and some are felonies?

**Mr. Powers:**

That is correct. The general penalty for violation of the election law is a Category E felony unless a specific statute makes it less than or greater.

**Senator Brower:**

Mr. Glover said this has to stop and we need to take it seriously, but I am not aware of any cases brought by the Attorney General with respect to election law violations. I am not aware of any repeat misdemeanor offenders who might be persuaded to stop because of the threat of a felony. If we are not enforcing the law now, I am not sure how we can say that threatening them with a felony might change that.

**Mr. Glover:**

In the larger scope of things in the election world, that has been one of the problems in the background. A lot of district attorneys, and I am assuming the

Attorney General, do not like to prosecute election law crimes because the penalties are not that severe. Those offices deal with difficult cases and have heavy court calendars. Election law comes toward the bottom of the priority list.

The position of our office is to elevate the penalty and hold people who violate election laws in the State accountable for their actions.

**Mr. Brower:**

I would like to support the bill right now but will take it upon myself to dig a little deeper into this between now and the possible vote on the Senate Floor to ensure we do something that makes sense.

**Senator Atkinson:**

I, too, have a problem with adding more felonies to our citizens, and I am not going to vote for it.

Can someone explain the Category E felony? In certain categories, convicted individuals cannot vote, and it affects their employment if they want to seek employment with certain organizations, mainly government. Does this kind of felony affect those areas, or am I not getting it?

**Mr. Powers:**

Regardless of the felony classification, Category A through Category E felony is still a felony, so any disqualification from a felony would apply to a Category E felony as much as it would to any other felony.

For example, in the State Constitution, to be a qualified elector, you cannot have been convicted of a felony. An individual with a felony conviction would no longer be a qualified elector.

**Senator Atkinson:**

I can understand certain election privileges being revoked if an individual violates election laws, but putting people in the position where they cannot gain employment is a travesty to this State. It is an embarrassment that we would support something like this.

**Senator Settlemeyer:**

I have had the fortune, or misfortune, whichever way you want to look at it, of being on the Legislative Operations and Elections Committee every session that I have been in office. Every session we have increased the penalty, yet we have not necessarily seen it affect individuals as a deterrent.

Jokingly, it has been said that we might as well make it the death penalty because nobody ever charges anyone with this crime anyway. The question is, why are we doing this?

Making the violation a Category E felony will prevent people from getting jobs and be used against individuals in things like custody battles. I understand if we leave this crime as it is.

**Senator Atkinson:**

That is not the point. In my opinion, this type of violation is not something that rises to that level of punishment. Give the violator another fine and make them pay, rather than increase the punishment to a felony.

**Senator Brower:**

We agree with you.

**Chair Farley:**

I will now entertain a motion.

**Senator Brower:**

I would like to amend and do pass along the lines of what Senator Settlemeyer and Senator Atkinson said a moment ago, clearly in agreement, on the record.

We leave the crime as a gross misdemeanor, changing that part of the bill in section 1.5.

SENATOR BROWER MOVED TO AMEND AND DO PASS AS AMENDED  
A.B. 461 WITH PROPOSED CONCEPTUAL AMENDMENTS.

SENATOR SETTELMAYER SECONDED THE MOTION.

**Mr. Powers:**

I would like to make the record clear that for both A.B. 177 and A.B. 461 in any provision, wherever either of the bills reference a Category E felony, we will be lowering it back to a gross misdemeanor.

THE MOTION PASSED UNANIMOUSLY.

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**Chair Farley:**

The next bill on the work session is A.J.R. 1.

**ASSEMBLY JOINT RESOLUTION 1 (1st Reprint)**: Recognizes the strategic partnership and bond of friendship with, and expresses the Nevada Legislature's support for, the State of Israel. (BDR R-525)

**Mr. Stewart:**

Assembly Joint Resolution 1 recognizes the longstanding relationships of the United States with the State of Israel and expresses the Legislature's continued support. I have submitted the work session document ([Exhibit Q](#)).

SENATOR SETTELMAYER MOVED TO DO PASS A.J.R. 1.

SENATOR BROWER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**Chair Farley:**

The last bill on our work session today is A.J.R. 10.

**ASSEMBLY JOINT RESOLUTION 10 (1st Reprint)**: Proposes to amend the Nevada Constitution to revise provisions relating to the compensation of certain elected officers. (BDR C-1068)

**Mr. Stewart:**

Assembly Joint Resolution 10 proposes to amend the Nevada Constitution to require the Legislature to provide by law for the Citizens' Commission on Salaries for Certain Elected Officers, which is empowered to set salaries for

State Legislators, Constitutional Officers, Supreme Court Justices, and judges. I have submitted the work session document ([Exhibit R](#)).

**Senator Settlemeyer:**

I looked at a similar bill from another state that implemented a program much like what is being requested. I forwarded the details of the bill to Senator Atkinson and the proponents of A.J.R. 10.

The bill has the Governor appoint individuals to the commission based on specific parameters which is what I am after. Membership of the commission would require individuals from specific departments with certain qualifications.

The Governor should not have full power to make recommendations to the commission, even as appointed from recommendations given by the Legislature. Members should come from specific fields, including the labor and business community.

**Senator Atkinson:**

If we accept all three amendments, how it is going to work?

In the conversation that I had with Senator Settlemeyer, I thought that we decided to take the elected officials out of it completely. In this scenario with the second proposed conceptual amendment, we have the highest elected official in the State, the Governor, making the appointments.

I am confused because the Governor is elected as we are. Why do we still include an elected official as a part of the process?

**Senator Settlemeyer:**

We decided that the Governor will make the appointments; however, the commission membership will have specific parameters. The commission must include: one member who has experience with employee compensation, one who is a representative of a nonprofit public interest organization, one who is a representative of the general population, as well as two members with experience in the business community and two members who are representative of labor organizations. No current or former officer or employee of the State is eligible for appointment to the commission.

I am okay with the Governor appointing, as long as parameters are in place to ensure diversity in the selection.

What are you comfortable with, Senator Atkinson?

**Senator Atkinson:**

From my understanding of our offline conversation, I thought that we were taking elected officials out of the selection process. I did not realize that you were leaving the Governor in. I am uncomfortable with that because if we remove all elected officials, I am not sure who else could make the appointments.

**Senator Settlemeyer:**

Exactly. If we take all of the elected officials out, who would we have make the appointments?

I would hate to have the Legislature involved because we would appoint people who would select our own salary. I like the concept of partitioning individuals on the commission to ensure a diverse representation. The last hurdle to figure out is who will make the appointments.

**Mr. Powers:**

That is the ultimate issue; you need an appointing authority. Senator Settlemeyer is correct. Within the resolution you could establish parameters of how to make that appointment.

Under the existing resolution, the appointment power is distributed between the three branches of government because all three branches are affected by the setting of salaries. You could keep the existing appointing authority structure with all three branches appointing members, and set up specific parameters for those appointments in order to ensure diversity on the commission with individuals who have requisite experience to make these types of salary decisions.

**Senator Settlemeyer:**

May I make the suggestion that we pull this today and allow some members to do a little more research? I think we are all in agreement with the concept, but let us finalize who is going to be the appointing authority.

**Chair Farley:**

I agree with you, Senator Settelmeyer. We will work on this a little bit more. With that said, I will pull back A.J.R. 10, and we will bring it up again in the next work session.

I now open the hearing on S.B. 360.

**SENATE BILL 360**: Provides for an interim study to investigate the viability of establishing entities to help finance the use and harnessing of clean energy in this State. (BDR S-41)

**Senator Pat Spearman (Senatorial District No. 1):**

This session, I have sponsored several measures addressing energy efficiency. Senate Bill 360 is just one piece in a comprehensive approach to energy conservation and efficiency. I have submitted my prepared testimony ([Exhibit S](#)).

I have also submitted Proposed Amendment 7254 ([Exhibit T](#)) for the bill that takes this out of the realm of an independent study and recommends that it go to the Legislative Committee on Energy.

**Senator Settelmeyer:**

That was my question. Will this go to the Legislative Committee on Energy?

**Senator Spearman:**

Yes.

**Senator Settelmeyer:**

If that is already established, that makes it easier for us.

Senator Atkinson was on that committee during the last interim, along with Senator Roberson. They did good work to ensure less undue influence on the public when it comes to the cost of energy.

**Senator Spearman:**

The idea here, as well as in Senate Concurrent Resolution (S.C.R.) 4, is we have done good things in terms of advancing Nevada by becoming a leader in renewable energy and, to some extent, energy efficiency. One of the things that this will do is help provide funds for low- to moderate-income people as well.

**SENATE CONCURRENT RESOLUTION 4**: Directs the Legislative Commission to conduct an interim study relating to energy efficiency programs. (BDR R-537)

We can all agree that most of the early adopters for many of the renewable energy alternatives have already entered the market. Those who lag behind cannot afford the upfront cost or do not have the credit FICO Score to purchase it.

**Judy Stokey (NV Energy):**

I thank the sponsor for working on amendments to remove the fiscal note and put it in a Committee that we worked with closely during the interim. Some very knowledgeable people have been on energy committees for a long time; that is the appropriate place for this to go.

**Kyle Davis (Southwest Energy Efficiency Project):**

We are in support of S.B. 360. I have had a few conversations over the last year with various entities talking about the concept of a green bank, which has been implemented successfully in other states.

Senator Spearman did a great job outlining the reasons and the benefits as to why we would want to pursue such a policy. It would be another vehicle that we would have to help all Nevadans take advantage of some of these opportunities when it comes to renewable energy and energy efficiency.

**Alisa Nave (Southern Nevada Home Builders Association):**

On behalf of the Southern Nevada Home Builders Association, we support S.B. 360. Senator Spearman has been actively engaged with the home building community on this issue and seeks to include them in the conversation. We are particularly supportive of the inclusion of the industry and other industry aspects to this. We look forward to participating.

**Gail Tuzzolo (Nevada State AFL-CIO):**

We think that S.B. 360 is a good idea, and we look forward to participating with the Committee.

**Mr. Sanderson:**

Anything that helps Nevadans help themselves is a good deal. I hope that you will move forward with S.B. 360.

**Richard Work (International Brotherhood of Electrical Workers Local 357):**  
We support S.B. 360.

**Joe Johnson (Sierra Club):**  
We have had long-standing support for measures such as this. We support S.B. 360 with amendments.

**Jeremy Newman (International Brotherhood of Electrical Workers Local 396):**  
We support S.B. 360.

**Peggy Lear Bowen:**

Speaking as an individual who went through all of NV Energy's workshops and everything, who still has a shake roof on her home with fires and things that came down Caughlin Ranch, and I need to tell you this: I went through every single step as possible to have solar energy put on my roof, get a new roof, get everything taken care of; and when it was all said and done, I couldn't afford it.

No matter what they did, at that time I was still teaching. Now as a retired teacher, financially it just wasn't there. But everything about my home, everything that we were going to do, was to upgrade it and make it safe and wonderful and have solar energy. And it came down to I couldn't afford it.

Such a bank, if it were put into existence, who knows, I'll try again. But the bank has to exist in order for me to try again. And so even in 2015—right now—unless you do this sort of act, and I know that I am just trying to put a face to this. I wasn't going to speak today, but I figured maybe if you had a face to put with it to say make our homes safer and more energy and take care of Mother Earth just a little bit better, that would be greatly appreciated.

**Tim Farkus (Director, Ameresco, Inc.):**

I support S.B. 360. Senator Spearman did a great job summarizing the bill. In order for banks to come into a new market, there has to be the ability to demonstrate scale, which is what a green bank will do. It will demonstrate a certain scale that attracts regular banks to come in and take the place of the

green bank, then the green bank can effectively go away at some point. That powerful tool is working in some other states exactly in this way.

**Chair Farley:**

Letters in support of S.B. 360 have been submitted to the Committee from Bryan Garcia, the President and CEO of Clean Energy Finance and Investment Authority ([Exhibit U](#)); Alfred Griffin, the President of NY Green Bank ([Exhibit V](#)); and Jeffrey Schub, the Executive Director of Coalition for Green Capital ([Exhibit W](#)).

I close the hearing on S.B. 360 and move on to S.C.R. 4.

**Senator Pat Spearman (Senatorial District No. 1):**

Senate Concurrent Resolution 4 brings the critical issue of energy efficiency and conservation to the forefront of legislative discussion. I have submitted my prepared testimony ([Exhibit X](#)).

The interim study proposed in S.C.R 4 can be rolled into the proposed elements of S.B. 360. The green bank and the interim study can work in tandem to improve our energy policy.

We cannot afford a myopic focus for renewable energy and energy efficiency as silver bullets to reduce our carbon footprint. The incumbent energy utilities have a fiduciary responsibility to stockholders and stakeholders to maximize their investment. Although participating in renewable energy and energy efficiency programs is part of their corporate social responsibility portfolio, it is imperative that we look at the unintended consequences that may thwart our progress. This can happen if we are not methodical, judicious and measured in crafting an energy agenda for our State.

Using a conceptual framework that includes Everett M. Rogers' diffusion of innovation theory as part of the data analysis or the post study will provide opportunities to build an energy plan that facilitates renewable energy and energy efficiency programs, allowing the utility companies to remain legally compliant in their relationship with customers and stockholders. It also allows us to proceed at a level that protects the financial resources of our ratepayers.

This interim study provides an opportunity to collect qualitative and quantitative information relative to the current policies and how we can use our previous

successes to build a comprehensive energy agenda that serves Nevada for the rest of this century and serves as a beacon of innovation for this country and our global neighborhood. In these economic times, it makes perfect sense to ensure that through this interim study, our energy policy works for businesses, utilities and our customers.

Increases seen in the actual cost to the utility companies are part of what we have already done. In light of other technological advances that have taken place, we should probably step back and make sure we do not disincentivize utility companies from participation in renewable energy or energy-efficient programs.

We also have to do a better job educating consumers in terms of our responsibility, as well as educating them for the likelihood of purchasing solar or choosing not to. The general consensus among many is that renewable energy is the answer for everything right now. Consumers must understand that to be effective—whether solar, wind, geothermal, etc.—their homes need to be wrapped in an envelope that will allow them to reap the benefits of energy efficiency. If they do not have the right insulation or double-paned windows, they might as well open the front door and throw money outside by just putting solar on top of their houses.

This bill will help people better understand what we mean when we say we are reducing our carbon footprint. We are about the business of helping our Country become energy independent and making sure that everyone understands that we are talking about this from a comprehensive standpoint.

**Chair Farley:**

Do you want to roll S.C.R. 4 into S.B. 360? Do you want to have the interim study on this issue as well?

**Senator Spearman:**

Yes. As I said previously, both of these work well together because we are advancing an energy agenda that will include everyone in the State.

**Senator Settelmeyer:**

I think this makes sense. We have had discussions in various committees about making sure that individuals who want to be energy-efficient meet the standards

to move forward with solar or other renewable energy in their homes and can actually utilize the gain.

Maybe we can have some discussion in that interim committee about ranking things, so limited dollars should go to homes that can take better advantage.

**Senator Spearman:**

My home is 14 years old, so solar just does not make sense at this point because the envelope is not energy-efficient. Recent conversations about renewable energy in the south have punctuated the need for this study.

I have had some constituents come to me and ask if there is a possibility of getting a loan for solar or other energy-efficient efforts. When I start asking them about the R-value of the insulation or about the type of windows they have on their homes to see if they are energy-efficient, they do not know about all of the requirements, and usually their homes are not efficient.

This interim study allows everyone to see what it means to have a comprehensive energy agenda for Nevada. We have come a long way with our energy policies over the last 15 years.

If we stop with the art of culmination in chapter 490 of the 2013 *Statutes of Nevada* that now exists because of S.B. No. 123 of the 77th Session, we do a disservice to those who have worked to advance that policy up to this point. Now we have to take a good look at our energy agenda for the coming decades.

**Mr. Davis:**

On behalf of the Southwest Energy Efficiency Project, we support S.C.R. 4. As we have seen in numerous studies and from the experience we have had in Nevada, the cheapest way that we can meet future energy needs is with energy efficiency. As we consider what makes the most sense in terms of energy policy for our State, it is appropriate to take a hard look at this in the interim.

Lines 17 and 18 on page 1 of S.C.R. 4 references expanded energy efficiency programs. While we have some in place right now, there is still potential for progress, and I want to make sure that we capture that as well. We must look beyond what we have done in the past and what we are doing now by thinking about new technologies and ways that continue to save consumers money.

**Mr. Johnson:**

We support S.C.R. 4. We have low-income energy assistance programs and weatherization programs, but only a limited number of homes are qualified.

Perhaps in the future we can consider leveraging into expanded funds from the private sector. We have always been interested in low-income energy, and the available mechanism in green banking is a good option.

**Mr. Work:**

We support S.C.R. 4.

**Mr. Sanderson:**

I agree and support S.C.R. 4.

**Mr. Newman:**

We are also in favor of S.C.R. 4.

**Ms. Bowen:**

My name and words for the record: Peggy Lear Bowen in support of both of the bills but with one caveat: when you do your interim study, I'd really appreciate if you'd study about revisiting the power company and the Public Utilities Commission and them not hearing any cases where the electrical line is [kVA] 125 or less. Because what has happened in the community of Washoe County in Reno and the Truckee Meadows is that the lines are now many and carrying no weight greater than 125 kV[A] on those lines. And the lines coming down so low on the power poles that they're going through beautiful areas such as Verdi and wanting to clear cut gorgeous ancient pine trees simply so that they aren't involved in their new lower lines on our poles, and the poles are being reinforced with metal rods.

And quite frankly, what has happened in our Truckee Meadows area is we have a whole lot of power flowing around our area and not one watt coming to our area. And they're wheeling and dealing power through five western states in order to—and we are a hub in the Truckee Meadows. And we have as TESLA came in and was grousing about, maybe that is an inappropriate word. Anyway, they were complaining about the high watt cost and what basically

has happened by not having the Public Utilities Commission do as they had done in the past with the permitting of such lines. They were our safeguard, and they reported to you and to everybody else. And I am suggesting that maybe they become the safeguard again and the 125 rule be taken out of place and put back the way it was, because I feel like our Truckee Meadows is literally becoming a wired spiderweb of power profit and our community is being disregarded and these lines are above ground.

Most communities now in the United States are burying the lines because you get away from all sorts of things like high winds blowing and clicking lines together and causing forest fires. So I would hope in what you do that you be very thorough and that you really consider rescinding anything to do with that 125 rule.

And that you also make another rule that when you have an opt out for a smart meter, that there needs to be requirement in the billing suggesting that you can opt out from having a smart meter on your home because they've had the opt out program. Some people ... went to so many meetings ... and we got the opt out whereas at first the smart meters were mandatory. We learned about it through the Silver Haired [Legislative Forum] congress down in Clark County saying this is the ramifications, this is what's happened ... and yet it's a case of when things are in place and nobody is required to inform the public, they don't have to have things as originally mandated. And they don't know it, they don't opt out; and if they did know it, they probably would. And so it's important that transparency is there, what you have in place is there and the goods that you accomplish are allowed to be those good accomplishments without it being buried in paperwork and never getting the word out. Thank you very much.

**Juanita Clark (Charleston Neighborhood Protection):**

We chose to testify in neutral because we did not see anything specific that addressed our concerns. We would like to see the use of the word safety for residents who live in buildings that use electrical power. We did not hear anything about addressing safety, and it should be a definite factor in this study.

There is a concern about the safety of the so-called smart meter that measures our electric wattage. I would like that to be addressed too. Since these two bills seem to be extremely comprehensive in the areas they address, I am not sure that they are meant to address safety.

**Chair Farley:**

I close the hearing on S.C.R. 4; thank you Senator Spearman for your great work on these bills. Anyone wishing to speak under public comment, please come forward at this time.

**Ms. Bowen:**

The reason I came down today had to do with the concept of felony, and it had the concept with PERS [Public Employees' Retirement System] and it had the concept of having certain actions being considered a felony and that you would lose your pension and PERS. And I spoke incorrectly the other day; I got more information.

When I retired, I was told the only way I could lose my pension is if I murdered someone and they also had PERS. Well, that's the way I understood when I asked the questions, because I didn't go quietly into the night when I retired. Enough said there.

I want to make sure no actions would take away my PERS. Well, I was given more information before I walked into this room. And the rule is actually if you commit murder and you committed the murder against somebody who has PERS or has control of your PERS and you kill them to keep your PERS ... so it was a crime against PERS. And what I would strongly suggest and ask of you—the way I considered that when I first heard it, the way I first explained it—was it saved a lot of employers when there is an employee-employer discrepancy. It may have saved a lot of ex-spouses from getting murdered because you both work for a government entity in the State of Nevada, and it may have made things so people could walk away and still preserve their PERS and deal with the other things in other places of court.

And then I applied it to the new things that were being talked about last week regarding things they wanted to add why you

could lose your PERS and perjury. And I said the comment then if I commit perjury by lying on my IRS form, I don't lose my social security. I don't believe felony belongs in there and also adding the loss of the right to vote and the loss of being able to get jobs. I honestly don't believe that when you are talking felony that it's treated as—well it doesn't if you embezzle and you embezzle against PERS. Well, they have things in place if you embezzle against PERS or you lie about PERS or you lie about any other document or agreement or contract you've entered into. And I'd really really like the legislative body and you to carry the word forward because this is a public comment and not directly related to this hearing. Carry the word forward that felony is not to be used as a punishment because it feels good or sounds good by the book by the cover and destroys human lives and families and to keep what is in place for PERS if you commit murder and in order to get your PERS or keep your PERS, that's in place and that works because that pertains to PERS.

And that was my issue that I wanted to bring today, and thank you for so much hard work and being here and doing great things. And thank you for being nice to Mr. Atkinson and hear what felony was going to do to those things. And I know you are reasonable people, you have different ways of getting there and we don't agree on many of them or some of them. But you know what? When it comes to the human element, I think we're all there together on that one, and that you showed that today. And I want to say thank you.

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**Chair Farley:**

I agree. I adjourn the meeting 5:34 p.m.

RESPECTFULLY SUBMITTED:

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Haley Johnson,  
Committee Secretary

APPROVED BY:

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Senator Patricia Farley, Chair

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

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit / # of pages</b>		<b>Witness / Entity</b>	<b>Description</b>
	A	2		Agenda
	B	5		Attendance Roster
S.B. 269	C	4	Senator Joyce Woodhouse	Prepared Testimony
S.B. 269	D	6	Jeffrey Klein	Prepared Testimony
S.B. 269	E	2	Susan Hirsch	Prepared Testimony
S.B. 269	F	1	Daniel Mathis, Nevada Health Care Association	Improving Medicare Post- Acute Care Transformation Act of 2014
S.B. 269	G	2	Daniel Mathis	Division of Health Care Financing and Policy, Behaviorally Complex Care Program Request Form
S.B. 269	H	1	Daniel Mathis	Division of Health Care Financing and Policy, Evaluation of Behavioral Complex Care Program
S.B. 269	I	3	Daniel Mathis	American Health Care Association, The Quality Initiative: An Overview
S.B. 269	J	2	Daniel Mathis, Nevada Health Care Association	Press Release
S.B. 269	K	2	Connie McMullen, Nevada Commission on Aging	Prepared Testimony
A.B. 177	L	5	Michael Stewart	Work Session Document
A.B. 252	M	1	Michael Stewart	Work Session Document
A.B. 273	N	1	Michael Stewart	Work Session Document
A.B. 460	O	1	Michael Stewart	Work Session Document
A.B. 461	P	1	Michael Stewart	Work Session Document
A.J.R. 1	Q	1	Michael Stewart	Work Session Document

A.J.R. 10	R	2	Michael Stewart	Work Session Document
S.B. 360	S	6	Senator Pat Spearman	Prepared Testimony
S.B. 360	T	3	Legal Division	Proposed Amendment
S.B. 360	U	1	Clean Energy Finance and Investment Authority	Letter of Support
S.B. 360	V	1	NY Green Bank	Letter of Support
S.B. 360	W	1	Coalition for Green Capital	Letter of Support
S.C.R. 4	X	3	Senator Pat Spearman	Prepared Testimony