MINUTES OF THE MEETING OF THE ASSEMBLY COMMITTEE ON NATURAL RESOURCES, AGRICULTURE, AND MINING

Seventy-Ninth Session May 18, 2017

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Heidi Swank at 2:30 p.m. on Thursday, May 18, 2017, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4404B of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda (Exhibit A), the Attendance Roster (Exhibit B), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/79th2017.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Heidi Swank, Chair
Assemblywoman Lesley E. Cohen, Vice Chair
Assemblyman Chris Brooks
Assemblywoman Maggie Carlton
Assemblyman John Ellison
Assemblywoman Sandra Jauregui
Assemblywoman Lisa Krasner
Assemblywoman Robin L. Titus
Assemblyman Justin Watkins
Assemblyman Jim Wheeler
Assemblyman Steve Yeager

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Moises (Mo) Denis, Senate District No. 2

STAFF MEMBERS PRESENT:

Susan E. Scholley, Committee Policy Analyst Randy Stephenson, Committee Counsel Nancy Davis, Committee Secretary Cheryl Williams, Committee Assistant



OTHERS PRESENT:

None

Chair Swank:

[Roll was called and standard rules of the Committee were reviewed.] We will be taking the work session in order, starting with Senate Bill 47 (1st Reprint).

Senate Bill 47 (1st Reprint): Makes various changes relating to the appropriation of water. (BDR 48-499)

Susan E. Scholley, Committee Policy Analyst:

Senate Bill 47 (1st Reprint) was sponsored by the Senate Committee on Natural Resources on behalf of the State Water Engineer, and was heard in this Committee on May 4, 2017 (Exhibit C). The bill makes a number of changes relating to the appropriation of water. It relates to water budgets and inventory of groundwater, and revising applications and notice requirements. It requires the State Engineer to notify owners of nonuse; setting out certain considerations to be used by the State Engineer when determining whether or not to grant an extension to work a forfeiture; and increasing the maximum period for a single extension to five years for filing proofs for manner of use. It also makes a minor change to the Southern Nevada Water Authority Act.

Due to concerns raised during the hearing, section 7 of the bill would be revised to remove the new language that attempted to clarify the term "subsisting water rights" as set forth in the attachment. The attachment shows this is section 1, so whatever section of the bill that tried to add a prestatutory vested right for watering livestock, that language would be removed and would be returned to its original condition. That section would continue with the amendment with respect to the map sizes.

Chair Swank:

I will accept a motion to amend and do pass S.B. 47 (R1).

ASSEMBLYWOMAN COHEN MOVED TO AMEND AND DO PASS SENATE BILL 47 (1ST REPRINT).

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN ELLISON AND TITUS VOTED NO. ASSEMBLYWOMAN CARLTON WAS ABSENT FOR THE VOTE.)

I will give the floor statement to Assemblyman Brooks.

Assemblyman Ellison:

Do I need to let you know that I reserve my right to change my mind on the floor?

Chair Swank:

There is no need, just let me know beforehand. Next is Senate Bill 194 (1st Reprint).

Senate Bill 194 (1st Reprint): Prohibits the sale of products derived from or containing certain animal species under certain circumstances. (BDR 52-664)

Susan E. Scholley, Committee Policy Analyst:

<u>Senate Bill 194 (1st Reprint)</u> is sponsored by Senator Denis and others (<u>Exhibit D</u>). This bill relates to the purchase, sale, or possession with intent to sell any item in this state that is made, wholly or partially, from an animal part or byproduct derived from the listed species. The measure designated civil and criminal penalties to be imposed upon persons violating these provisions. Certain classes of sales are exempt as set forth in the bill, including antiques, musical instruments, knives, firearms, and scientific or educational institutions. Additionally, sales of items specifically authorized for sale by federal law are exempt.

Senator Denis proposed an amendment, which was discussed at the hearing, which has been modified slightly as set forth in the attached mock-up. The amendments include the detachable components of guns and knives as was presented during the hearing. It takes out the 20 percent of value provision that was part of the mock-up discussed during the hearing. The mock-up also contains two other clarifications in section 2. It clarifies that "lion" would be an African lion, and it clarifies that sales of legally obtained sport hunted items, in accordance with federal law, would not be prohibited by the bill. Finally, Assemblyman Hambrick has submitted a request that his name be removed as a bill sponsor. The Senate vote is set forth.

Chair Swank:

I believe that the bill sponsor would like to make one clarifying remark.

Senator Moises (Mo) Denis, Senate District No. 2:

There was one outstanding item that came up that we could not figure out a way to fix because it is also a federal issue that has to do with the burden of proof. If you received something from your grandmother 70 years ago, or you hunted it 70 years ago, legal counsel told me that someone could write an affidavit that says I obtained this from my grandmother, or I bought it over 50 years ago, or whatever. That is within the law. That is the one issue that was still outstanding that we could not figure out how to fix.

Chair Swank:

Mr. Stephenson, would you like to put something on the record to that affect.

Randy Stephenson, Committee Counsel:

The bill, as written, does require one of the elements that the person has to establish with documentation, evidencing provenance that the item was legally acquired. That is very broad language. I would think that any sort of evidence addressing that issue should suffice. If you have a sworn statement saying this is how I acquired this particular item and it was legal when I acquired it, I would think that would be sufficient.

Chair Swank:

I will accept a motion to amend and do pass.

ASSEMBLYWOMAN COHEN MOVED TO AMEND AND DO PASS SENATE BILL 194 (1ST REPRINT).

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

Is there any discussion?

Assemblywoman Titus:

I absolutely appreciate Senator Denis' passion for this and his ability to work with sportsmen and the concerns that we have raised regarding this bill, especially regarding the antiques. I did reach out to the Safari Club International; they have made their position very clear on this. They come to Nevada and bring millions of dollars to this state, and I am going to support them and be a no on this bill.

Chair Swank:

We will vote.

THE MOTION PASSED. (ASSEMBLYMEN ELLISON, KRASNER, TITUS, AND WHEELER VOTED NO. ASSEMBLYWOMAN CARLTON WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Jauregui. We will move on to Senate Bill 251 (1st Reprint).

Senate Bill 251 (1st Reprint): Requires the Board to Review Claims to adopt regulations for the administration of certain programs to assist operators of petroleum storage tanks. (BDR 40-942)

Susan E. Scholley, Committee Policy Analyst:

Senate Bill 251 (1st Reprint) was sponsored by Senator Goicoechea and others (Exhibit E). This bill requires the Board to Review Claims to adopt regulations for the Division of Environmental Protection, Department of Conservation and Natural Resources to award grants from the Fund for Cleaning Up Discharges of Petroleum, also known as underground storage tanks, to assist operators who have demonstrated financial need in defraying costs of infrastructure required to comply with laws or regulations to prevent discharge of petroleum. It provides certain administration, prioritization, and distribution requirements that must be included in the regulations. In response to concerns raised at the hearing, the attached amendment was submitted by George Ross, Chair of the Board to Review Claims. The amendment would change the order of the considerations as shown on the attached amendment.

Assemblywoman Jauregui:

I want to make sure that the order of priority would be the order as listed in the amendment.

Randy Stephenson, Committee Counsel:

I think it is assumed that would be the order of prioritization. To make it clearer, I think we could add some fairly simple language into the amendment to say that it would have to be in that order of prioritization. In other words, you have to consider and award based on this hierarchy.

Chair Swank:

We can add to the amendment that it must be prioritized as it is stated in the bill. I will entertain a motion.

ASSEMBLYMAN ELLISON MOVED TO AMEND AND DO PASS SENATE BILL 251 (1ST REPRINT).

ASSEMBLYMAN YEAGER SECONDED THE MOTION.

Assemblyman Ellison, just to clarify, your motion includes the prioritization language, correct?

Assemblyman Ellison:

Yes, it does.

Assemblyman Yeager:

I want to thank the sponsor of the bill and Mr. Ross as well. I had some concerns about how it was written, but we had a very productive discussion that resulted in this amendment. I want to thank them for working late into the night, or early morning, to get this to a place where I could support it.

Chair Swank:

We will vote.

THE MOTION PASSED. (ASSEMBLYWOMAN CARLTON WAS ABSENT FOR THE VOTE.)

I will give the floor statement to Assemblyman Yeager. We will now move on to Senate Bill 270 (1st Reprint).

Senate Bill 270 (1st Reprint): Revises provisions relating to water. (BDR 48-359)

Susan E. Scholley, Committee Policy Analyst:

<u>Senate Bill 270 (1st Reprint)</u> was sponsored by the Senate Committee on Natural Resources on behalf of the interim Legislative Commission's Subcommittee to Study Water. This bill was heard on May 9, 2017 (Exhibit F). Senate Bill 270 (1st Reprint) requires a claimant of

a pre-statutory water right to submit proof of the claim to the State Engineer on or before December 31, 2027, and requires the State Engineer, during the 10-year period to provide notice, by various means, of the requirement to submit proofs. The bill also provides that if a claimant fails to submit such proof, the claim is deemed abandoned. At the request of the State Engineer, section 3 of the bill, which does not take effect until January 1, 2028, would be revised as set forth in the attached partial mock-up, which just has that one section. The rest of the bill would be as it is now. It leaves in the concept that, after the 2027 deadline, federal agencies claiming reserved rights would still go through the current process.

Chair Swank:

I will accept a motion to amend and do pass.

ASSEMBLYWOMAN JAUREGUI MOVED TO AMEND AND DO PASS SENATE BILL 270 (1ST REPRINT).

ASSEMBLYMAN WHEELER SECONDED THE MOTION.

Assemblywoman Titus:

I am concerned about the abandonment of water rights, so I will be a no.

Chair Swank:

We will vote.

THE MOTION PASSED. (ASSEMBLYWOMEN KRASNER AND TITUS VOTED NO. ASSEMBLYWOMAN CARLTON WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblyman Wheeler. We will now move on to Senate Bill 364 (1st Reprint).

Senate Bill 364 (1st Reprint): Revises provisions governing the trapping or taking of certain animals. (BDR 45-107)

Susan E. Scholley, Committee Policy Analyst:

<u>Senate Bill 364 (1st Reprint)</u> was sponsored by Senator Parks and others, and was heard in this Committee on May 16, 2017. <u>Senate Bill 364 (1st Reprint)</u> revises the trapping statutes in various areas, including revising the definition of "trap" to exclude certain devices; requiring state agencies managing public lands to post certain warning signs; requiring a fee of \$5 per trap for each registered trap; with certain exceptions, requiring unregistered traps to have the name and address of the owner stamped on the trap or have a metal tag with that information attached; allowing persons to remove or disturb traps under certain circumstances; and requiring visitation at least once every 96 hours. It also prohibited the Board of Wildlife Commissioners from adopting regulations.

You will recall at the hearing, Senator Parks proposed to delete sections 7 and 8.5 in their entirety from the bill. The elimination in their entirety would have the effect of leaving *Nevada Revised Statutes* (NRS) 503.570 with the current language that exists today. Section 8.5 was new language that restricted the adoption of regulations by the Board. In effect, eliminating those two sections restores the status quo on trap visitations and the Board's authority with respect to regulations (Exhibit G).

There are also two additional amendments. There is a more current version of the mock-up, which is dated May 18, 2017, prepared for the Assembly Committee on Natural Resources, Agriculture, and Mining. I believe it is on the Nevada Electronic Legislative Information System. The first amendment, on page 4, adds a new section 7.5, which eliminates an outdated reference to a type of trap in NRS 503.580. Also, in section 5, subsection 6, it reinstates the language regarding confidentiality of trap registration, such that the Department of Wildlife can only release registration information if required to do so by law or pursuant to a court order. Section 8 is also removed in its entirety, which was simply a cross reference to the confidentiality statute in NRS Chapter 239 on public records (Exhibit H).

Assemblywoman Titus:

Just for my clarification, this still restricts the Board of Wildlife Commissioners from passing regulations, is that correct?

Susan E. Scholley, Committee Policy Analyst:

No, eliminating section 7 and section 8.5 basically puts things back the way they are currently, so 96-hour visitation is in the law now and would remain; but the Board of Wildlife Commissioners would again have the ability to adopt regulations.

Assemblyman Ellison:

Has section 5, lines 29 through 35 been removed in its entirety?

Chair Swank:

Are you looking at the new mock-up (<u>Exhibit H</u>)? You want to be looking at proposed amendment 4749 to <u>Senate Bill 364 (1st Reprint</u>).

Assemblyman Ellison:

I see that now, and it is removed. Thank you.

Assemblyman Wheeler:

In the proposed amendment, page 2, line 38, under section 5, there is a registration fee of \$5. Is that an existing registration fee or is it a new fee?

Susan E. Scholley, Committee Policy Analyst:

That is a new fee.

Chair Swank:

I will accept a motion to amend and do pass.

ASSEMBLYWOMAN JAUREGUI MOVED TO AMEND AND DO PASS SENATE BILL 364 (1ST REPRINT).

ASSEMBLYWOMAN COHEN SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN ELLISON, TITUS, AND WHEELER VOTED NO. ASSEMBLYWOMAN CARLTON WAS ABSENT FOR THE VOTE.)

I will take the floor statement. We will now move on to Senate Bill 370.

Senate Bill 370: Revises provisions governing the transportation of game, hunters and hunting equipment. (BDR 45-206)

Susan E. Scholley, Committee Policy Analyst:

Senate Bill 370 was sponsored by Senator Goicoechea and was heard in this Committee on May 11, 2017. This bill makes it unlawful to use aircraft to transport game hunters or hunting equipment unless the loading and unloading cargo and passengers takes place in an airport, landing field, or heliport established by a governmental entity and is accessible by a public road, or is done in the course of an emergency operation. In response to concerns raised at the hearing, the following amendment has been proposed, which would take subsection 5 back to just helicopters being limited. You will see that the proposed amendment would be to delete the new language "or any other aircraft" (Exhibit I).

Assemblywoman Titus:

I very much appreciate the game wardens and Senator Goicoechea for recognizing my concern over the aircraft and removing it. I just want to clarify for staff that in the preamble to that it is not going to say, "use any aircraft to transport."

Chair Swank:

I will accept a motion to amend and do pass Senate Bill 370.

ASSEMBLYWOMAN TITUS MOVED TO AMEND AND DO PASS SENATE BILL 370.

ASSEMBLYMAN ELLISON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN CARLTON WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Titus. We will now move on to Senate Bill 371 (1st Reprint).

Senate Bill 371 (1st Reprint): Establishes provisions governing the care of an animal which has been impounded. (BDR 14-153)

Susan E. Scholley, Committee Policy Analyst:

Senate Bill 371 (1st Reprint) was sponsored by Senator Goicoechea. This bill provides that if an animal is impounded by a county in the lawful arrest and detainment of a person for more than seven days, the county must notify the person of the impoundment, transfer the animal to someone authorized by them, if the county determines that person could provide adequate care and shelter to the animal; and if there is no such authorized person, may allow a person who is able to provide adequate care and shelter to adopt the animal. The bill also provides that if the person is convicted of the crime for which he was arrested, the county may, by legal action, recover the reasonable cost of care and shelter furnished to the animal by the county.

In response to concerns raised during the hearing, there are two amendments proposed which are set forth in the attached mock-up. The first clarifies the definition of "animal" to include pets in the swine, poultry, or similar categories. The second clarifies that the county would also be able to provide for temporary or foster care of the animal, and to ensure that adoption would not occur without the consent of the animal's owner (Exhibit J).

Assemblywoman Cohen:

For clarification, foster care can be provided by outside independent organizations, correct?

Susan E. Scholley, Committee Policy Analyst:

Yes, "people" includes nonprofits, so foster care could be provided by nonprofit organizations.

Randy Stephenson, Committee Counsel:

The current definition of "person" that is used generally throughout the *Nevada Revised Statutes* would include natural persons plus unnatural persons such as corporations, nonprofits, associations—anything other than a government entity.

Chair Swank:

I will accept a motion to amend and do pass.

ASSEMBLYMAN ELLISON MOVED TO AMEND AND DO PASS SENATE BILL 371 (1ST REPRINT).

ASSEMBLYWOMAN TITUS SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN CARLTON WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblyman Ellison. We will move on to Senate Bill 396 (1st Reprint).

Senate Bill 396 (1st Reprint): Revises provisions relating to industrial hemp. (BDR 49-53)

Susan E. Scholley, Committee Policy Analyst:

<u>Senate Bill 396 (1st Reprint)</u> was sponsored by Senator Spearman and others (<u>Exhibit K</u>). This bill creates a program for the growth and handling of industrial hemp and agricultural hemp seed that is separate from the existing hemp pilot research program. The bill establishes registration requirements through the Department of Agriculture, it requires testing of hemp products by an independent laboratory, and it allows existing marijuana establishments to acquire and use hemp in certain products. The Division of Public and Behavioral Health of the Department of Health and Human Services is required to adopt regulations governing hemp used in the production of marijuana or marijuana-infused products. Anyone who would grow or handle hemp in violation of the provisions of this bill would be guilty of a misdemeanor. There were no amendments.

Chair Swank:

I will entertain a motion.

ASSEMBLYMAN WATKINS MADE A MOTION TO DO PASS SENATE BILL 396 (1ST REPRINT).

ASSEMBLYMAN BROOKS SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN KRASNER AND WHEELER VOTED NO. ASSEMBLYWOMAN CARLTON DID NOT VOTE.)

I will assign the floor statement to Assemblyman Watkins. With that, we will go on to Senate Bill 413 (1st Reprint).

Senate Bill 413 (1st Reprint): Establishes "Public Lands Day" in the State of Nevada. (BDR 19-772)

Susan E. Scholley, Committee Policy Analyst:

<u>Senate Bill 413 (1st Reprint)</u> was sponsored by Senator Cannizzaro and others and was heard in this Committee on May 2, 2017. This bill establishes the last Saturday in September of each year as Public Lands Day and requires the Governor to issue an annual proclamation encouraging its observance.

In order to avoid a conflict with <u>Assembly Bill 449 (1st Reprint)</u>, an amendment is proposed to change "shall" to "may" so that the Governor is not required to issue a proclamation, but is requested to do so (Exhibit L).

Chair Swank:

I will accept a motion to amend and do pass.

ASSEMBLYWOMAN CARLTON MOVED TO AMEND AND DO PASS SENATE BILL 413 (1ST REPRINT).

ASSEMBLYMAN WATKINS SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN KRASNER, TITUS, AND WHEELER VOTED NO.)

I will assign the floor statement to Assemblywoman Cohen. With that, we will move on to Senate Bill 499 (1st Reprint).

Senate Bill 499 (1st Reprint): Revises provisions relating to forestry. (BDR 47-492)

Susan E. Scholley, Committee Policy Analyst:

<u>Senate Bill 499 (1st Reprint)</u> was sponsored by the Senate Committee on Natural Resources on behalf of the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Water System (<u>Exhibit M</u>). This bill clarifies certain requirements of forest practices and procedures only apply to logging operations, including the requirement for obtaining a variance for the felling of trees within 200 feet from a body of water. There were no amendments proposed.

Chair Swank:

I will entertain a motion to do pass.

ASSEMBLYWOMAN TITUS MADE A MOTION TO DO PASS SENATE BILL 499 (1ST REPRINT).

ASSEMBLYMAN YEAGER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will give the floor statement to Assemblywoman Krasner. With that, we will go to Senate Joint Resolution 12.

Senate Joint Resolution 12: Rescinds Senate Joint Resolution No. 1 of the 78th Session of the Nevada Legislature. (BDR R-999)

Susan E. Scholley, Committee Policy Analyst:

<u>Senate Joint Resolution 12</u> was sponsored by Senate Committee on Natural Resources and was heard in this Committee on May 16, 2017 (<u>Exhibit N</u>). <u>Senate Joint Resolution 12</u> rescinds <u>Senate Joint Resolution 1</u> of the 78th Session and therefore declares Nevada's

support and encouragement of the retention of federal management and control of federal public lands in Nevada. There were no proposed amendments.

Chair Swank:

I will accept a motion to do pass S.J.R. 12.

ASSEMBLYWOMAN COHEN MADE A MOTION TO DO PASS SENATE JOINT RESOLUTION 12.

ASSEMBLYWOMAN CARLTON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN ELLISON, KRASNER, TITUS, AND WHEELER VOTED NO.)

I will take the floor statement. That finishes our work session. I will open the meeting for public comment. Seeing no one, we are adjourned [at 3:01 p.m.].

	RESPECTFULLY SUBMITTED:
	Nancy Davis Committee Secretary
APPROVED BY:	
Assemblywoman Heidi Swank, Chair	
DATE:	

EXHIBITS

Exhibit A is the Agenda.

Exhibit B is the Attendance Roster.

Exhibit C is the Work Session Document for Senate Bill 47 (1st Reprint), dated May 18, 2017, presented by Susan E. Scholley, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

<u>Exhibit D</u> is the Work Session Document for <u>Senate Bill 194 (1st Reprint)</u>, dated May 18, 2017, presented by Susan E. Scholley, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

<u>Exhibit E</u> is the Work Session Document for <u>Senate Bill 251 (1st Reprint)</u>, dated May 18, 2017, presented by Susan E. Scholley, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

Exhibit F is the Work Session Document for Senate Bill 270 (1st Reprint), dated May 18, 2017, presented by Susan E. Scholley, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

<u>Exhibit G</u> is the Work Session Document for <u>Senate Bill 364 (1st Reprint)</u>, dated May 18, 2017, presented by Susan E. Scholley, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

Exhibit H is a proposed amendment for Senate Bill 364 (1st Reprint), dated May 18, 2017, presented by Susan E. Scholley, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

<u>Exhibit I</u> is the Work Session Document for <u>Senate Bill 370</u>, dated May 18, 2017, presented by Susan E. Scholley, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

Exhibit J is the Work Session Document for Senate Bill 371 (1st Reprint), dated May 18, 2017, presented by Susan E. Scholley, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

Exhibit K is the Work Session Document for Senate Bill 396 (1st Reprint), dated May 18, 2017, presented by Susan E. Scholley, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

Exhibit L is the Work Session Document for Senate Bill 413 (1st Reprint), dated May 18, 2017, presented by Susan E. Scholley, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

Exhibit M is the Work Session Document for Senate Bill 499 (1st Reprint), dated May 18, 2017, presented by Susan E. Scholley, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

Exhibit N is the Work Session Document for Senate Joint Resolution 12, dated May 18, 2017, presented by Susan E. Scholley, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.