

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-Seventh Session  
April 25, 2013**

The Committee on Government Affairs was called to order by Vice Chairwoman Dina Neal at 8:19 a.m. on Thursday, April 25, 2013, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [nelis.leg.state.nv.us/77th2013](http://nelis.leg.state.nv.us/77th2013). In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Dina Neal, Vice Chairwoman  
Assemblyman Elliot T. Anderson  
Assemblywoman Irene Bustamante Adams  
Assemblyman Skip Daly  
Assemblyman John Ellison  
Assemblyman James W. Healey  
Assemblyman Pete Livermore  
Assemblyman Harvey J. Munford  
Assemblyman James Oscarson  
Assemblyman Lynn D. Stewart  
Assemblywoman Heidi Swank  
Assemblywoman Melissa Woodbury

**COMMITTEE MEMBERS ABSENT:**

Assemblywoman Teresa Benitez-Thompson, Chairwoman (excused)  
Assemblywoman Peggy Pierce (excused)



**GUEST LEGISLATORS PRESENT:**

Senator Pete Goicoechea, Senatorial District No. 19  
Senator Ben Kieckhefer, Senatorial District No. 16

**STAFF MEMBERS PRESENT:**

Jennifer Ruedy, Committee Policy Analyst  
Jim Penrose, Committee Counsel  
Bonnie Hoffecker, Committee Manager  
Maysha Watson, Committee Secretary  
Jennifer Dalton, Committee Secretary  
Cheryl Williams, Committee Assistant

**OTHERS PRESENT:**

Jeffrey Fontaine, representing Nevada Association of Counties  
Nancy J. Boland, President, Nevada Association of Counties;  
Commissioner, Esmeralda County  
Dan Musgrove, representing City of North Las Vegas  
Geno Martini, Mayor, City of Sparks  
Wes Henderson, representing Nevada League of Cities and Municipalities  
Warren B. Hardy II, representing City of Mesquite  
Mendy Elliott, representing City of Fernley  
Cadence Matijevich, representing City of Reno  
Thomas Perrigo, representing City of Las Vegas  
Nechole Garcia, representing City of Henderson  
John Slaughter, representing Washoe County  
P. Michael Murphy, representing Clark County  
Lisa Foster, representing City of Boulder City  
Rebecca Gasca, representing City of Fallon  
Doug N. Johnson, Vice Chairman, Board of County Commissioners,  
Douglas County  
James Kimsey, Private Citizen, Las Vegas, Nevada  
Danny Thompson, representing Nevada State AFL-CIO  
Juanita Cox, representing Citizens in Action  
Jack Mallory, representing Southern Nevada Building and Construction  
Trades Council  
Priscilla Maloney, representing American Federation of State, County and  
Municipal Employees Local 4041  
John Madole, representing Associated General Contractors,  
Nevada Chapter  
Garrett Gordon, representing Lewis & Roca LLP

Greg "Bum" Hess, representing Storey County  
Bill Sjovangen, Chairman, Storey County Commission

**Vice Chairwoman Neal:**

[Roll was taken and protocol reiterated.] We have hearings on three bills today. We are going to start off with Senate Bill 2. We will open the hearing and call Mr. Fontaine to the table.

**Senate Bill 2: Grants power to local governments to perform certain acts or duties which are not prohibited or limited by statute. (BDR 20-174)**

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

On behalf of the Nevada Association of Counties (NACO), thank you for the opportunity to present Senate Bill 2 to the Assembly Committee on Government Affairs. It is often said that government is best which is closest to the people, but in Nevada, local governments do not have the authority they need to govern best and must get permission from the Legislature on a variety of matters. [Continued to read from prepared text ([Exhibit C](#)).]

I know that Ms. Boland would like to make some remarks, as well.

**Nancy J. Boland, President, Nevada Association of Counties:**

I am the current president of NACO. I also was a member of the Interim Technical Advisory Committee for Intergovernmental Relations (ACIR), which was formed by Senate Bill No. 264 of the 75th Session. The ACIR was made up of three county commissioners and three mayors and city council members representing Clark County, Washoe County, and the rural counties as well as three agency directors appointed by the Governor. The purpose of the ACIR was to foster effective communication, cooperation, and partnerships among the state government and local governments to improve the provision of governmental services to the people of this state.

The ACIR recommended legislation granting functional home rule to local governments in Nevada. What is notable about this recommendation is that it was unanimously supported by local elected representatives from some of the state's smallest cities and counties as well as the largest.

Many of the functional home rule bills that have been passed have helped Esmeralda County. Esmeralda County introduced Assembly Bill No. 45 of the 76th Session, which was originally envisioned to solve a problem we had with our district attorney. We had historically had these call-in district attorneys and had tried to do something about it. We realized that there was a gap in the

existing statutes as far as the mandatory office hours of a district attorney. If you had fewer than 5,000 people who had voted in the previous congressional election and had a population of over 700, there was absolutely nothing in the *Nevada Revised Statutes* (NRS) that directed your district attorney to keep office hours. In an effort to solve our problem, I went ahead and tried to amend the district attorney statutes, and in doing so, I consulted with other counties in the state of Nevada.

This bill not only addressed that gap in the office hours, it was also more specific about what a district attorney had to do. One thing that came up over and over with other counties was the request by a county commission to get a written opinion from a district attorney. As you are aware, we rely on our district attorney to hold us harmless from prosecution in certain instances. It is important to have a written opinion. In some counties, it was a problem getting one from a district attorney. That was added.

Also, regarding the office hours, we put in some language so that a county could reduce the hours that the district attorney had to keep his office open. That would be just a county decision. That constituted a step with home rule.

There are some other bills that have come through the Legislature. There is quite a list here, which Mr. Fontaine supplied this morning ([Exhibit D](#)). In 2009, there was a bill that authorized a board of county commissioners to provide for the imposition of a civil penalty in lieu of a criminal penalty for the violation of an ordinance concerning the licensing or regulation of businesses unless state law provided a criminal penalty for the same act or omission. There are seven bills from 2007 on this list. Every year, you hear these things. This year, there is one that I really like, which is [Assembly Bill 212](#). It prohibits the possession of portable telecommunications devices by prisoners in local detention facilities. Most folks would agree that this is something a local sheriff should decide when running his jail. This is the type of thing that [S.B. 2](#) would prevent you from having to deal with.

We also sometimes encounter a problem where one district attorney says that you can do something when statute is silent on it, while another district attorney says that you cannot do it because it is not in statute. There is a divergence, even to this day, in district attorney opinions from county to county as to whether or not we are able to do things when statute is silent. I think [S.B. 2](#) would help to clarify that situation.

**Assemblyman Ellison:**

I have always been a supporter of home rule. Home rule allows the people in smaller areas to do their day-to-day operations. You have to wait two years

before you can come to a session and actually implement something that should have been done internally. You have to wait for a session to start to maybe get a law passed on something that should have been simple and that should have been done by the counties and cities. Can you talk about that? I think it will help a lot of people understand why it is so important to be able to do things on a day-to-day basis or every month or every two weeks versus every two years.

**Nancy Boland:**

One example that I can think of very easily is some of the nuisance abatement statutes that we have on the books today that came to a head in Clark County. When we had a lot of these repossessions and foreclosures going on regarding abandoned, defaced properties, the graffiti remediation had to wait until the Assembly got into session.

**Assemblyman Daly:**

I am looking at section 4. Basically, we are absolving the rule that says home rule exists in the state, as it says on page 2, lines 14 through 21, "The rule of law that a board of county commissioners can exercise only powers . . . ." You can basically do whatever you want unless we put language in our statute that says "you shall not" do this. As you know, a lot of our statutes are about what you "shall" do. Where is the line going to be drawn regarding opinions of district attorneys on whether or not they can do something differently?

You are changing the cycle. Instead of having to come to us to receive a fairly consistent state set of rules that apply to all counties, allowing the citizens to know what is going to happen to them, all the different counties and cities can make a rule. We are then going to be chasing you back down to say you have gone too far and that "you shall not" do this.

I do not think the legislation should change. It is just a matter of who is instigating it. It takes away the consistency that we have built up over the years. We would have to go back through every statute to change the wording to "you shall not" instead of "you shall." I do not see how this is ever going to work based on the process that we have.

Earlier this session, we put in a nuisance deal for Clark County. They wanted to do it a little bit differently. You have a bill later where you want to address nuisances differently, but you have to come to us. We have these consistent rules.

Under this, in redevelopment law, for example, a county could do a tourism improvement district within a redevelopment district, and it does not say "you shall not do it" anywhere. Right now, if you want to do that, you would

have to come to us to get permission. With this bill, we would be going back to chasing you to tell you we do not want you to do that. We do not want you to do this unless you understand all the factors. I just see it as unmanageable. I do not see how this would work with 17 different counties, 17 different rules, and then possibly different rules within the cities within the counties.

On the example you gave with the cell phones in detention facilities, it seems like common sense that a prisoner should not have a cell phone, but there is not a law in the state that says not to give him one. If we leave it to the counties, then the sheriff could say he does not care if they have cell phones. He could have a rule that says they can.

I think the way the state operates in the interactions with the counties and the cities is where laws are developed. I think this will have more unintended consequences than we can count or fix in 120 days.

**Vice Chairwoman Neal:**

I think that was more rhetorical.

**Assemblyman Daly:**

I am sorry, Madam Vice Chairwoman. I did not have a question, but they can respond to some of those issues, if they would like.

**Vice Chairwoman Neal:**

Mr. Fontaine, you can pick two.

**Jeff Fontaine:**

Section 6 of this bill says that, if there is a constitutional or statutory provision requiring a specific manner for exercising a power, a board of county commissioners that wishes to exercise the power shall do so in that manner. The Legislature can still prescribe the manner in which these ordinances would be enacted. They have to be enacted by an ordinance. If a statute already exists that says, if you are going to do X, Y, and Z, this is how you do it, that is how they would have to do it. They do not have the flexibility under this bill to do something different if it is already prescribed in law.

When the interim Legislative Committee to Study Powers Delegated to Local Governments met, this was a great topic of discussion. We realize that local governments really do need more autonomy. They need to be able to deal with these day-to-day activities. The other option to go through every existing statute that deals with the functioning of local governments and try to amend, repeal, or somehow fix them to give local governments more autonomy was an

impossible task. This was the best option. This was modeled after legislation in the state of Indiana, and I think Oregon also has similar legislation.

I think that what we are doing here is entrusting local governments to have some additional authority. They would understand that they are expected to do that in a prudent, wise, and effective manner. I do not think it is in the best interest of any local government to adopt an ordinance that would cross the line or somehow be inconsistent with the will and wishes of the Legislature. The Legislature could come back and repeal it.

**Assemblyman Livermore:**

Everyone probably knows I served 12 years on the Carson City Board of Supervisors. During that period of time, I would often visit the Legislature, where it seemed all the problems existed. I then became a state legislator, and my viewpoint changed as to where local problems began, which was at the local government level.

I agree with your statement about the day-to-day operations and making decisions that are prudent, wise, and thoughtful. If that were the case, the many bills from those sessions that you described probably would not exist.

I want to throw out a couple of examples. You and I had a meeting yesterday, and I explained several of these. In the past couple of years, Carson City had an opportunity to partner with a local casino. They wanted to construct a \$60 million library downtown on a vacant lot behind the Paul Laxalt State Building. It took the public a year and a half to eventually reach the conclusion that they needed to get a petition drive and to put that question on the ballot. All they wanted was an opportunity to go to the polls to say whether they supported the project or not. When the last election occurred, the initiative was defeated by 70 percent of the electors in Carson City. Everybody in town could read the tea leaves, but the Board of Supervisors failed to allow the public to speak in that fashion.

There are other examples that I could give. In the past couple of years, a policy was created in which people willing to volunteer for boards and commissions were forced to go through a background check. I do not know what that would mean. I do not know whether they would force religious, political, or economic groups to have background checks, but those are the dangers sometimes. Unintended consequences happen.

I am conflicted about supporting this bill or not. I hate to think that my examples of Carson City government would poison the well for everybody else, but there are a lot of examples. I had a bill last session which included a voter

initiative paying for parks and open space. They were paying the sales tax in order to fund that. Local government decides when budgets fly up to assess a local internal fee against that initiative. My bill did not prevail, but I think the essence of the bill eventually reduced that.

My other concern is that our local government controls water and sewer functions. Would this bill grant them the power to adjust the rates because the operational cost could include new pay raises for the city employees that work and function in that division? I am concerned about those kinds of things. Section 7 of this bill grants the power of the government, and it also grants exceptions to that power. I would like to be assured of those exceptions of those powers, and then we could pose a tax and impose appropriate charges and fees.

Those are a whole bunch of statements, Mr. Fontaine, but I would like to hear your comments.

**Vice Chairwoman Neal:**

Speak to the dangers. Almost everything that he encapsulated was regarding how you can have such broad powers that they become inherent dangers, which you will then bring to us to fix.

**Jeff Fontaine:**

At least two of those examples that you raised deal with fiscal home rule issues. First of all, as I understand it, the proposed library project would have required additional taxes or fees imposed upon the residents of Carson City. They could not do that under this bill. That is not what this bill does. In fact, under subsection 4 of section 7, it says that they can impose a tax. That library project example would be a fiscal home rule component. That is a separate discussion. This bill is dealing with functional home rule.

With regard to the water and sewer utilities, Carson City—and any other municipality—can already increase their fees. They can do that today. This does not give them any more authority than they already have in existing statute. Again, I want to narrow the discussion and the focus to functional issues, not fiscal issues or anything else. A lot of concerns that I have heard from people have to do with the ability to increase taxes, impose new fees, and things of that nature. That would not be allowed under this bill. That is not what this bill does.

As far as the other aspects, such as dealing with issues of authority for things like background checks, I do not know enough about what that entails. However, it seems to me that if a local community, through their governing

board, felt it was necessary because of a problem in their community or interest by constituents in that community to do background checks, then why should they not be able to? They would have to enact an ordinance, have public hearings, and all of those things that go along with adopting an ordinance at the local level. If the ordinance were too onerous or there were complaints from constituents that it was not what they wanted or was somehow inappropriate, then yes, you can come back and repeal that. You can enact a prohibition against the county or city from enacting such an ordinance.

Now, I know that puts you in the position of having to keep a watchful eye over local governments. We understand that, but the way it works now is they have to come to you. If they had an issue in their community, they have to wait maybe two years to get permission from you to do what they think is necessary, but there is no guarantee that they will get that permission.

**Assemblyman Livermore:**

I appreciate the discussion about ordinances creating an internal policy to do background checks. I do not think Carson City is any more dangerous of a community than any other place in Nevada. Can you describe to me three or four things in this bill that give counties a right to do something that they cannot do today?

**Jeff Fontaine:**

I do not have any specific example of something today that this bill would allow a county to do because quite often we do not know what a county wants to do until they find a need to do it. However, we do have a list of examples of issues that have been brought to the Legislature in previous years, as well as those in this current session. Ms. Boland went over a number of those. I would be happy to read through the list of bills, but those are the issues that we bring to this Committee and the Senate Committee on Government Affairs.

**Vice Chairwoman Neal:**

Thank you. I do not think there is any need to reiterate how many bills have come through. I think we are well aware of the longevity of this issue, how many bills have come through, and how many local fights we have had to fix through the Legislature. We are not confused.

**Assemblyman Stewart:**

I have been on Government Affairs for four terms now, and we have dealt with such things as sewer laterals, airports, and other things that I did not think we should have to deal with. I understand your frustration. The fact was brought up that you might make mistakes, and we would have to fix them.

If I remember correctly, we have made a few mistakes ourselves that we have had to correct.

Down in Clark County, we have a number of officials who were former state legislators but are now in local government. I could think of at least three. I think they have a different opinion of Dillon's Rule now than they did when they were legislators.

I think the intent of your bill is very good. The details need to be worked on and perhaps altered a bit, but I can entirely sympathize with your situation.

**Assemblyman Oscarson:**

As I have discussed with some of my fellow legislators, I have heard lots of comment on home rule. Representing rural counties, there is a true desire to have some autonomy from state government. I understand that desire.

I would like to have you give us some examples of successes where this has been implemented, Mr. Fontaine. If you do not have them, I understand. You can provide them to the Committee later. I would like examples of successes where this has been done effectively.

I am looking at the website for the Horsham Township in Montgomery County, Pennsylvania. They implemented home rule in 1968. There has to be some historical information on how they have done it, what the successes have been, and what the pitfalls have been. The Committee can look at those kinds of things to see where home rule has been successful and where it has not been successful.

If you will indulge me for two seconds, on <[www.horsham.org](http://www.horsham.org)> it says, "Home rule has proven to be an effective tool for reorganizing local governments to increase effectiveness and citizen participation," which I think is something we are all here for. It has "enabled a modest local initiative in procedural and substantive matters. Home rule has not revolutionized local government operation, nor has it entangled municipalities in legal difficulties or imprudent activities." Those are the kinds of things I think we need to hear as a committee. We need to hear where those things are happening, how they have happened, and how they have been implemented.

I would appreciate it, with the Vice Chairwoman's indulgence, if you could provide some examples of that to this Committee at some point in time.

**Vice Chairwoman Neal:**

Is that something you have now, Mr. Fontaine? I would suggest you pick two really good ones that have been successful in Nevada, not outside of the state.

**Jeff Fontaine:**

We do not have any.

**Vice Chairwoman Neal:**

Okay. How about in our border states?

**Jeff Fontaine:**

I am not prepared today to sit here and give you a synopsis of the success stories. I do know that Oregon is probably an example of where home rule has worked very well. They went through the same approach that we are trying here. Montana is another home rule state. We will take a look at both of those, and we will get you the information.

**Assemblyman Elliot Anderson:**

I am looking at the broad, sometimes competing provisions of the bill. I cannot help but think of this as a legal job stimulus bill. Many of these provisions seem really broad and direct a court to err on the side of the cities when considering a challenge to a power being exercised, yet the bill only prohibits cities from exercising power if it is expressly prohibited by statute, the *Nevada Constitution*, or the *United States Constitution*. I am concerned that, because of that gray area not defining things well, we will see a lot of challenges.

I realize that you mentioned section 6. However, when you talk about resolving conflicts in favor of having the power, I think the litigation process is going to open up, and whenever someone does not like what happens to them, they are going to point to this gray area. I am afraid that not everyone is going to do the inherent research that is needed to determine if the Legislature has talked about this, if there is a constitutional provision, or if there is case law. I am worried that we are really opening it up.

I would note that, when you look at the body of law between the federal government and state relations, you have a whole body of law about preemption doctrine. This is sort of the same situation. All powers are reserved to the state under the Tenth Amendment, but then we also have the Supremacy Clause. A whole body of law has developed.

Say you had some litigation, and you had a power that a local government has exercised but is just not clear. How does this bill direct a court to deal with the

challenge? Being that we only meet 120 days every two years, I do not really have the capacity as a legislator to keep track of what is going on when the local governments are out operating every week. I am just really nervous because I do not have the capacity to dial this back and to pay attention to what is going on day by day. If you could talk about how you would envision a court dealing with the provisions of this bill, I would appreciate it.

**Jeff Fontaine:**

I cannot speak on behalf of the cities, but I am not aware of counties that are just waiting to do something if this bill is passed. That is not why we brought this bill. We wanted to address a broader issue.

Again, this would require a county or a city to enact an ordinance, and any time a local governing body enacts an ordinance, they have to go through their due diligence. They have to do their legal analysis through the Office of the District Attorney. You have to rely on that legal advice to make sure that what they are enacting is not in conflict with the *Nevada Constitution*, the *U.S. Constitution*, or any other state or federal law. That is part of the due diligence, part of the hearing, and part of the adoption process at the local government level.

As far as what happens if an ordinance is, in fact, challenged, I am not an attorney. I cannot tell you how this particular bill would direct the courts to make that decision, but again, I think the language is fairly clear here. A court would, in my opinion, probably look at what is in this bill and determine whether or not what a local government has done is either consistent with or in conflict with the existing laws in the *Constitution*. Beyond that, I cannot really comment from an attorney's perspective. However, I think the language was written with that in mind.

**Assemblyman Daly:**

I heard what you said. I have heard the comments of a lot of people. Section 5 says, unless "the power is not expressly denied." Our statutes are not all written that way. Section 6 says that if there is a way we expressly tell you how to do it, then you cannot go beyond that. Seventeen district attorneys already take license with the rules we have. I have heard people say many times that if something is not stated, then it can be done. Different attorneys have different opinions.

I agree with Assemblyman Anderson. You are going to have full employment for lawyers. We just had several issues. For instance, we do not have a definition for a public record in our statute. Everybody is pretty much following the law on that, and now we are going to potentially have 17 different

definitions. When I go in and ask for a public record, they ask who I am and what I want it for. I tell them I am the public, and it is none of their business. Under this bill, we are going to have 50 different rules. I am sorry, but that is not going to work.

**Jeff Fontaine:**

You have that situation today. With your example of the public records bill that was considered here, you still have the authority and the ability as a Legislature to enact a measure that would define what a public record is, regardless of whether or not this bill is passed.

**Vice Chairwoman Neal:**

It is kind of like déjà vu that I find myself asking the same exact question I asked in 2011 when I sat on Government Affairs. In section 4, it says, "Necessarily or fairly implied in or incident to powers expressly granted." In subsection 2, paragraph (b), it says, "All other powers necessary or desirable in the conduct of county affairs." This is extremely broad.

Clearly, under functional home rule, you have chosen the broad functional power versus limited functional power. We had this conversation about crossover when an operational issue lends itself to a fiscal issue. At that point, you might say that it is necessary for you to have the power to do X, which leads you to making a fiscal decision. That fiscal decision may affect an entity or contracts. Talk to me about that.

At the end of the day, when you say "All other powers necessary or desirable," it could be your desire to make a fiscal decision if you feel that you are not functioning properly. North Las Vegas was the example that was brought up on the Senate side. That is a legitimate example, and it is one that we do not want to happen in the future. Speak to that.

**Jeff Fontaine:**

I understand the concern. Certainly, it is not our intent to have crossover from the functional elements to the fiscal, personnel, or structural elements. While I think that the bill addresses that concern and would preclude a local governing body from doing that, if we need to add some language to make it absolutely clear that cannot happen, we can certainly do that. However, crossover is not the intent of this bill.

As far as the functional piece, local governments are allowed to enact ordinances to impose fees for services today without this bill. If a local government decided that they wanted to enhance their service in some way, shape, or form, they are currently authorized to increase a fee to cover that

enhanced service if that is what their community wants. I do not think this changes the ability for a local government or local government authority in that area.

Getting back to the North Las Vegas example that had been brought up on the Senate side, I personally do not believe this bill would enable a local government to do that. However, if it would give this Committee more comfort, then we can try to include some additional language in the bill that would make it absolutely clear.

**Vice Chairwoman Neal:**

Thank you for your testimony. We are going to open up for support.

**Dan Musgrove, representing City of North Las Vegas:**

Obviously, we are in support of this bill. Let me answer your question really quickly, since I am not sure that Mr. Fontaine answered it. What North Las Vegas did was exercise a provision that is already in NRS. It is our interpretation of what is in NRS that we acted upon. Again, it is going to be up to the court to decide whether our actions were true or not. That is what happens throughout history. Legislation will be enacted. Someone will interpret it, and there will be two differing opinions. The court will then decide what the legislative intent was. That is still playing out. I do not think that we went beyond our scope. All we did was interpret what we believe was existing statute.

If I could, I would like to answer some of the questions that were posed today. It is interesting what Assemblyman Daly brings up. He has a bill that has gone through this House already and is now on the other side, Assembly Bill 150, that sets up a legislative committee on oversight. It gives the Legislature authority to work beyond their 120-day, every-other-year scope because they feel that they need that ability to make decisions. It would be of a more full-time nature to make sure that their legislative intent is followed.

Now, that might be a different interpretation from your perspective, but from those of us who will be coming in front of you, that oversight committee is essentially your ability to enact oversight. There are checks and balances already available that the Legislature has enacted that will ensure that we, as local governments, do not go beyond our scope. The Legislature has enacted a very strict open meeting law that local governments follow. In other words, we have the best check and balance that there is out there, which is our constituents, the voting public. Everything that we do has sunshine. We meet twice a month every month, and we have great citizen participation. Believe me, there is nothing we are going to do that is not going to see the sunshine

and have a great deal of public discourse as to whether or not our actions are correct.

The other thing that this Legislature has done is something called business impact statements. This Legislature has strengthened business impact statements this session because you believe that we should be better at going to our constituents to make sure that anything we pass does not impact them unnecessarily in a negative manner.

Again, there are checks and balances that we as local governments will follow to make sure that we do not go beyond our scope. We are obviously very much in support of this bill, and I will open myself up for questions.

**Vice Chairwoman Neal:**

I appreciate the comment. I appreciate your adding Assemblyman Daly's bill and my bill into your discussion, but the reason why the business impact statement even came into existence was because local governments were not doing it based on what the statute told them to do. This is that narrow category where you have law that says do it, but then you do something else that is not effective and does not meet the needs of the public. When you have language that allows you to do what is "necessary or desirable," we fall into this broad category where balance may find itself off-balance.

**Assemblyman Elliot Anderson:**

You talk about the Legislature and its 120 days of session, and a lot of us cringe because so much of what we do and how we make what we do work feels like it is on the fly sometimes. It does not feel like we have the capacity to really do our jobs half of the time, and that is because we are not getting paid but for 60 days every two years. We are not able to keep up with you when we are out of session. We have to go back to our primary functions, and I know, technically, a lot of the local governments are part-time, as well. However, when you look at the difference in capacity and how much people are able to pay the bills while taking care of the state's, cities', and counties' business, I feel like the deck is stacked against us sometimes.

We have 120 days here, and then we are done. We are trying to get two years' worth of work done in four months. It feels like, if we were going to open up the door on this and go into gray areas and uncharted territory, we just do not have the ability to follow through.

That is more of a comment. You do not have to say anything. We always have NACO and the League of Cities coming here and asking for the power to do their jobs, but the Legislature would like the same thing. I do not hear the rural

counties or a lot of the local governments saying they think the Legislature should meet more so we can handle our business. That is the dichotomy that I see here. On one hand we have folks saying they need more ability to do their jobs and take care of their responsibilities at the local government level, but it feels like whenever we try to do that here at the Legislature, we are rebuffed.

That is less of a question and more of a comment. We keep talking about home rule, but if we allow that, we just will not be able to provide the oversight that we should at the state level.

**Dan Musgrove:**

I think you just made our case for us, Assemblyman Anderson. You are frustrated in that you only have 120 days every two years to handle your business. When we reach a problem that is of a nature at the local government level—and we are working every two weeks—because of our inability to go beyond our scope, we have to stop and wait for that two-year period to come and ask you for that permission. I think this Legislature is doing more and more things to try to become a full-time Legislature, and I applaud that because I think this state has reached a point where we need you meeting every year. We have the same issue. We have a problem, but if we do not have the express ability to deal with it, then we have to wait two years to ask you for that permission. We have local elected officials who respond to their constituents, just as you do, who want that authority.

**Geno Martini, Mayor, City of Sparks:**

I am here in support of home rule. We are trying to represent our constituents, who are your constituents. I am here to tell you that we are not just waltzing through the door to be able to do something that is not right for our constituents. I think we are very cognizant of the things that we need to do. This would just give us the ability to react more quickly to some of the things that we think need to be changed.

We have a charter change bill that is going through the process right now for the City of Sparks. It was simply to give our municipal court the right to do their interviewing and hiring of people. We thought it was a pretty simple change. We worked it out with the municipal courts, but our city attorney said it had to go through the charter committee and through the Assembly. To me, that is just one simple thing we could have taken care of ourselves.

Our constituents are your constituents. The last thing I want them to do is come down and complain to you that we are not doing a good job. I do not want to be down here every two years having to explain why we did something that was not right. We are just not made that way.

**Wes Henderson, representing Nevada League of Cities and Municipalities:**

I submitted written testimony ([Exhibit E](#)). I am not going to read that to you. I would, however, like to go on the record on behalf of our president, City of Henderson Councilwoman Debra March, who could not be here today to express her support for this bill.

Over the 77 sessions of this Legislature, the operations of local governments have been mandated, controlled, restricted, and prohibited by the enactment of statutes by the Legislature. The passage of S.B. 2 will not change any of the current statutes that are in place that control local government operations. The passage of S.B. 2 will not alter or eliminate any one of those. If there is a statute in place, local governments will have to follow it. This bill speaks to the instances where there is not a statute governing a situation, a local government wants to take action to either proactively or reactively resolve it, and a district attorney or a city attorney tells them they cannot do it because they do not have statutory authority. That is what this bill speaks to.

Local government autonomy is a two-step process. This is the first step. The second step would be to come back to some of these statutes that are overly onerous or burdensome to local governments, bring a bill, and try to clean up the language in those statutes, which Senate Bill 66 (1st Reprint), that you are going to hear next, is an example of.

The League of Cities is in full support of this bill, and we thank you very much for hearing it.

**Warren B. Hardy II, representing City of Mesquite:**

I just wanted to put Mesquite on the record in support of this. I might just take an extra 30 seconds to offer some insight. Home rule has been discussed. I have been here 25 years. I cannot think of a session where it has not come up in some capacity. Each of the years that I had the honor of chairing the Senate Government Affairs Committee, we dealt with this issue. It is a very complex issue. There are policy questions arising out of this issue that the Committee has touched on today, illustrating how complex it is.

I have dealt with home rule for years. The concept of functional home rule that is before you today is the portion of home rule that seems to make the most sense across the board. I regret that sometimes functional home rule gets caught up in the other elements of home rule, such as fiscal home rule, which is going to be very complex for a state like Nevada. However, functional home rule is the lowest hanging fruit on the tree of home rule. Whenever I would talk to somebody about home rule, they express frustration with not being able to

go to the county commission or the city council with the very simple fundamental things that are dealt with in functional home rule.

I certainly understand that the issues Assemblyman Daly brought up are the things that we grapple with, but the functional home rule that is before you today is the portion that seems to make the most sense as a first step.

**Mendy Elliott, representing City of Fernley:**

I am also in support of this bill. We thank the Committee for hearing it this morning.

**Cadence Matijevich, representing City of Reno:**

I am in support, as well. I would particularly echo the comments made by Mayor Martini. There have been comments today about this being about autonomy and moving away from the will of the Legislature. That is not what this bill is intended to do. It is intended to provide local elected officials with the ability to react to constituent issues. It rings very hollow for a constituent when they have an issue that is happening in their backyard, but their local elected official has to tell them they have to wait 18 months to get permission. It is about operating our communities safely, effectively, and efficiently, and we ask for your support.

**Thomas Perrigo, representing City of Las Vegas:**

In the interest of time, I will just say that, for the reasons you have heard, Las Vegas is in support of S.B. 2. Thank you for hearing the bill.

**Nechole Garcia, representing City of Henderson:**

We also support S.B. 2. I did want to briefly address two things. First, Assemblyman Daly mentioned that the Legislature would have to expressly prohibit certain conduct by the local government if S.B. 2 were enacted, and that is not correct. To reiterate what Mr. Henderson said, if the law is silent, then the local government would have the authority to enact some kind of provision. If the Legislature says a local government "shall" do something, then the law is not silent.

Second, on Assemblyman Anderson's question regarding how a court would rule in certain instances, we are a Dillon's Rule state. The Nevada Supreme Court is very clear about that. I cannot predict what the court would do, but my understanding would be the court would defer to what the state laws say over what local government says. That is the supreme law of the state.

**Assemblyman Ellison:**

We have heard all this testimony. What it comes down to is that these people have to deal with the public on a day-to-day basis, and we are hearing every one of these people speak in support. What is this board afraid of? Are you so scared that you might give up some rights? The people are begging for this change to be made. I cannot believe the Senate finally is seeing this and is speaking up and saying, yes, pass this bill.

I do not know what more we can say, but I tell you, I am frustrated. After years and years, they are finally hearing the people and are saying we have to listen to them. We are not doing it, but we need to do this. We need to pass this bill, and you are hearing day in and day out that these people cannot operate in the counties. We need to finally step up to the plate and say it is time to do something. Stop pushing the counties off to the side. We represent them. I hate to be frustrated, Madam Vice Chairwoman, but it is time we do something and we do it right. Thank you.

**Assemblyman Stewart:**

Ditto.

**John Slaughter, representing Washoe County:**

I think everything has been said. Washoe County supports the bill.

**P. Michael Murphy, representing Clark County:**

I will be brief. We support the bill. Thank you.

**Lisa Foster, representing City of Boulder City:**

We also support the bill.

**Rebecca Gasca, representing City of Fallon:**

We also support the bill.

**Doug N. Johnson, Vice Chairman, Board of County Commissioners,  
Douglas County:**

Do you understand how much time you will be able to save if you give the counties and the cities the ability to take care of normal, trivial business that does not have to come up to this level? It gets frustrating. I sit in many board meetings where we are trying to rush people through and have them not speak too long, but this is something that is really important for you to understand. We are all on the same page here. We are playing together, and we are trying to make your job easier by making our job easier.

**Vice Chairwoman Neal:**

Is there anyone else in support? [There was none.] I will go ahead and shift into opposition.

**James Kimsey, Private Citizen, Las Vegas, Nevada:**

I am a constituent. I am a member of the public. The public is not in favor of this bill. This brings to mind a function I attended where former Senator Joe Neal talked about the Legislature and the problems they sometimes face. He brought up the biblical phrase "the Pharaoh who knew not Joseph," meaning we often forget our history.

As has been repeated, Nevada is a Dillon's Rule state. It is ingrained in our state constitution. In our state constitution, the counties are creatures of statute, and the cities are creatures of statute and charter. The founding fathers of Nevada wanted it that way. In a Dillon's Rule state, the cities and counties are given all the powers they needed to function, but the founding fathers did not want them to reinterpret. When the Legislature only meets every two years, they do not want counties and cities running amok so that they have to correct them later.

We went through the 1960s where several federal court cases mandated Nevada to make some changes. We went through it with the Sagebrush Rebellion. The founding fathers wanted a uniform system of government. I am able to travel the state and understand that the law applies to me uniformly throughout the state, as opposed to having 20 cities and counties doing their own thing.

We are talking about something here where examples have been asked for but none have been given. Studying this issue, the failures far outweigh the successes. The failures are exactly as the notable assemblymen have stated. There is just no control. Now, where there have been successes—Oregon and Montana have been two of those states cited—they require constitutional amendments to abrogate the Dillon's Rule to allow for home rule to permit their legislatures to pass a law such as S.B. 2. We do not have that yet.

All of the examples that have been given so far have shown that it is not necessary. The gentleman from North Las Vegas says they interpret the statute as it is given to them and move ahead; the court will decide. They have that right. The gentleman from the City of Sparks says they are going to amend their city charter, but that is why we have the city charter system. We have a system of government that says the Legislature is in charge under the *Nevada Constitution*, and we want to make sure that while we are not here, the babysitter is not going to have a date over, so to speak. While we are not

here, the house will be minded properly and in the manner we instruct you to mind it.

I will point out the specific sections that are very problematic: sections 5, 6, 18, and 19. They allow for an across-the-board reinterpretation of, "You cannot tell me I really did not do it, so let us do it anyway and let us hope in two years we get away with it." It is something that I say Assemblyman Daly and Assemblyman Anderson have pointed out quite readily. That is something that you do not want to have to come back to and fix.

You can have a legislative oversight committee, but unless you have a full vote of the Legislature, you will still be waiting two years to fix a problem that could happen. I think this poses a danger to the public. I am a member of the public. I am a constituent. My background includes everything from managing law firms to managing the legal department of one of the world's largest casinos. I have seen these problems happen time and again only to have to be fixed later.

If we want more home rule, then going to the annual legislative sessions is the way. Trying to pass a law with a constitution that says this is our law, this is why we want it, and this is how we want it has been a part of our political history for 150 years. We forget that history about every 30 years. We went through this in the '60s. We went through it with the Sagebrush Rebellion. We went through it in the last legislative session, yet we have a bill that is reminiscent of all of that asking for one more chance and promising not to disappoint you.

There is a history of government abuse. Clark County is a great example of where we lost five of seven commissioners to a federal indictment because of abuses of power. We do not want that anymore. We want our government to function, but we want it to function under the law that is here now so that we as constituents, as voters, and as property owners will not have to go back and argue about various ordinances. We do not want those small bodies where the law is no longer uniform. We do not want that. We want the Legislature to be in charge. There is a reason they are in charge. There is a reason why they meet every two years. There is a reason why they say if something is not stated in the law, do not do it. I think it provides for a consistent form of government.

I point it out again, not one single example was given of why it is needed, what the protections are, and what the successes are. Nothing has been pointed out. Nothing has been given to this Committee or to the public on why this is important. North Las Vegas says they interpreted the law, and a judge

will decide. Sparks says they amended their charter. Those are wonderful examples of why this bill is not even necessary.

**Vice Chairwoman Neal:**

Thank you. I do not think the Committee has any questions. I have a quick comment. I have never actually been in Committee, had my dad cited to me in terms of legislation, and then had the benefit of a policy analyst pulling up his bill. Thank you. I will have a great conversation tonight on that.

**Danny Thompson, representing Nevada State AFL-CIO:**

I will give you a personal example and talk about some of the things that have been said here today. In 1987, I sat in the chair where you sit now, Madam Vice Chairwoman. I was the Chair of this Committee. I did not represent Boulder City, but there were rumors that came to me that Boulder City was considering an ordinance to outlaw bullets. The idea was you could have a gun, but you could not have any bullets. Being a gun advocate, I came to this body and introduced a state preemption law because there was nothing in the law that said they could not outlaw bullets. They could, in fact, outlaw bullets.

I introduced a preemption law that preempted local governments from doing that. I passed it out of the Assembly. It was killed in the Senate in Senator O'Connell's committee, specifically because she did not like guns. In 1989, I came back. I reintroduced the bill, and it is the law today. Had I not done that, the law would not specifically say a local government cannot restrict bullets. Under the terms of this broadly written bill, they could do that. As an example of why you do not want to do that, under our system of government, you are ultimately responsible for what they do.

In 1981, when the Legislature did the tax shift, it really put the state's foot on the throat of local government to control them. I will not go into that whole thing. It is specifically for North Las Vegas.

I have been in this building for 32 years. North Las Vegas nullified the contracts that were in place based on a law that I have killed in this building since I have been here. I killed it in 1995. I cannot even count the times I have killed what they did. The Legislature specifically said no, but North Las Vegas did it anyway. It is in court now, and I know that the court will decide. Specifically, though, that law was turned down. That ability was turned down by this body on more than one occasion.

If you pass this, those are some of the unintended consequences for which, under our system of government, you are ultimately responsible. I have passed a bill here regarding car insurance. I had a constituent come to me after that bill

passed. He came to my house, took my license plates off my car, and said that I was the one who said it was okay to do that. I went back and read the bill. There was nothing in the bill about taking people's plates, but there was a provision that said the Department of Motor Vehicles (DMV) was authorized to adopt regulations. They adopted regulations that said they could take your plates off your cars.

I was not able to attend the Senate hearing and testify against this bill, but my associate, Paul McKenzie, did. Today, he is in Washington, D.C. He gave me two examples he asked me to read into the record. If I may, Madam Vice Chairwoman, this is on behalf of Paul McKenzie.

The first example is the Tahoe-Reno Industrial Center (TRI) Storey County Development Agreement. A number of years ago, TRI and Storey County entered into a development agreement which had a subagreement that allowed for reimbursement to be paid to TRI for all public infrastructure they installed. [Continued to read from prepared text ([Exhibit F](#)).]

There are other examples, but those were the two Mr. McKenzie, who was the head of the Northern Nevada Building and Construction Trades Council, asked me to read into the record. He further says that he offered to sit down with the proponents of this bill to try to work out some of these issues, and no one ever called him.

We are opposed to this bill. I believe that the unintended consequences are too numerous to name, and I do not believe you can think of all of them that will happen based on the inconvenience of what they do. Under our system of government, you are ultimately responsible for them. If you are comfortable with everything that they do, maybe this is not a bad deal, but you do not really have any control of them outside of this period of time. There are just too many unanswered questions for us to support this bill.

**Juanita Cox, representing Citizens in Action:**

Please oppose S.B. 2. The statutes and authority granted to it are simply too much. We believe that these entities, the counties, the townships, and the cities, need a keeper: the State, through the present Dillon's Rule, without change. [Continued to read from prepared text ([Exhibit G](#)).]

**Vice Chairwoman Neal:**

I appreciate what you are saying. Give a final, quick comment, and we can move on.

**Juanita Cox:**

The presumption under section 3 is for the courts to rule in favor of the counties or cities. That is the way I am taking it. Unfortunately, I think that is the way the courts will also take it. There has been, as we have stated, a problem with the Open Meeting Law by several of the county officials not allowing the citizens their right to free speech. This keeps coming up repeatedly and is not getting better.

This is more than the camel's nose under the tent. Assemblyman Daly and Assemblyman Anderson are right. The state must maintain consistent rules and continue under Dillon's Rule.

**Jack Mallory, representing Southern Nevada Building and Construction Trades Council:**

I am going to attempt to be brief in my testimony. You have heard a lot today about the number of bills that this Committee ultimately ends up processing. I am not unsympathetic to the day-to-day, mundane nature of things that have to be done in local government. However, this bill is very overbroad.

I would like to point out one specific bill that this Committee has heard in this session not very long ago that addresses an issue where local governments have been granted home rule authority to deal with specific issues. In this case, it was related to establishing uniformity in zoning, specifications, and standards law for things as simple as parking spots for construction of schools here in northern Nevada, particularly Washoe County.

This bill was introduced to address a problem that was created by granting local government home rule. What you ultimately end up with when you have a broader definition of home rule is a whole lot of inconsistency across the state with the numbers of ordinances that would be passed that are very specific to a region or a geographic area. I think that you may see more than 500 bills over the next three sessions from folks who are trying to fix the problems that would be granted if this bill were passed into law.

There is a bill on the agenda for today, Senate Bill 66 (1st Reprint), to try to address a specific situation in specific counties, and the statutes already assume this. They already presume that different areas have different needs. I will not go on any further except to say that we are strongly in opposition to this bill because of its overbroad nature more than anything else.

**Priscilla Maloney, representing American Federation of State, County and Municipal Employees Local 4041:**

American Federation of State, County and Municipal Employees (AFSCME) has been tracking this bill and has been philosophically opposed to it. We have not given specific testimony. However, I do need to put one thing on the record that I was not going to mention, except it kept coming up today.

I was a resident of Oregon for 21 years. Oregon is repeatedly touted in the testimony in support of this bill as a model of success for home rule. Without getting into the complexities of home rule, since everybody has done a great job this morning of laying that out, I want to read you one headline from *The Oregonian* on February 27, 2013: "Oregon lawmakers prepare for worst-case scenarios in near-broke timber counties." I will not bore this Committee with the long, semi-scholarly dissertation from the University of Oregon as published on this issue of home rule and whether or not it is truly a success in Oregon, but after 21 years of hearing the problems—they have over 30 counties up there—of how those counties function, I would suggest to the Committee to take a long, hard look at any assertion that Oregon is a success story on this.

**Vice Chairwoman Neal:**

Is there anyone else in opposition? [There was no one.] I will shift into neutral. Is there anyone in neutral on S.B. 2? Seeing none, I will close the hearing on S.B. 2. I will open the hearing on Senate Bill 66 (1st Reprint) and call Esmeralda County to the table.

**Senate Bill 66 (1st Reprint): Revises provisions governing the powers and duties of counties. (BDR 20-225)**

**Nancy J. Boland, Commissioner, Esmeralda County:**

Esmeralda County has brought forth this bill, Senate Bill 66 (1st Reprint), and as I go through my introduction to the bill, I would like to make note I did not do this in the Senate side. I probably should have. I just referred to it briefly. This bill does not affect some preceding parent sections of this portion of the statute. It does not affect *Nevada Revised Statutes* (NRS) 244.360, which provides for two different ways of handling abatement complaints. One is by a citizen complaint filed with the county clerk. It then goes through a proceeding with the board of county commissioners, where a hearing ensues, and they make a finding on the matter. The alternative proceeding is that a county commission can, by ordinance, direct their district attorney to take this through a court of competence for that area.

That is not affected by this. What are affected, though, are some subsections of this part for nuisances. One thing that has been requested in this is that the specifics are what must go in an ordinance created by the board of county commissioners. Extensive sections have been deleted on that, and it is just the specifics which must go in the ordinance. There is no deletion on the procedural sections relating to nuisances in this.

The reason behind this is that the current language of the NRS is so detailed that it can negatively affect the goal which it seeks to accomplish. For example, in NRS 244.3603, subsection 6, paragraph (a), subparagraph (1), the current definition of when a chronic nuisance exists says, "When three or more nuisance activities exist or have occurred during any 90-day period on the property . . . ."

Most of our experiences with nuisances in our community arise from absentee owners and absentee landlords. In a specific instance that occurred in one of our towns, the owner had five parcels. All of them had one or more nuisance activities on them. They were fun little additions to the quality of life in the neighborhood. They were things like an elderly woman living without plumbing, unoccupied parcels where there were buildings with trash overflowing out the windows, broken windows and doublewides, abandoned vehicles, and weeds. Situations like this, to a common person, are chronic nuisances. However, if no more than two per property exist, it is not one according to our current law, even though the same deadbeat owns five parcels and is the proud owner of ten nuisance activities in a 90-day period.

All of our counties have a district attorney who is qualified to draft ordinances to address these issues, and the remaining language in NRS 244.360 makes the required procedures clear. I would also point out that, in any instance when an ordinance is enacted and will remain unchanged in the language, it is going to have to go through a court proceeding. You will have a court involved in this, and it would also have to verify that whatever is put in these ordinances is legal. You are going to have to have a procedure of notice that will not be changed.

Also, there are some definitions in another part of the NRS, and they are repeated in the must-have portion of the county ordinance. That is in NRS 40.140. That is still in the language that is untouched in NRS 244.360.

During our work on this bill, the only opposition that I encountered when I checked with people was from the Associated General Contractors (AGC). As you know, they have offered an amendment to put population limits on certain sections so that smaller counties would be free to come up with their

own wording in the ordinance ([Exhibit H](#)). I am having a hard time understanding why they want this amendment. I will let them speak to that, but I would have no objection to this because I think those sections are important, especially sections 1 and 2, right now. Section 1 was inserted by amendment by Senator Goicoechea when it was on the Senate side, and it addresses the ability for a county to do work by enacting an ordinance, such as for their school district with their county equipment. That has a population limit on it.

Section 2 of the current reprint deals with county roads and when county equipment can be used for maintaining private roads in our county. From time to time, we have received requests from mining and geothermal companies and private individuals asking for assistance from our road department so they might assess their properties or have other help, such as watering for dust suppression.

Although most of these requests are in the best interest of the county, given the fact that the county is very large and staff is slim, it has been difficult to get assistance given the current wording. The new language in S.B. 66 (R1) would enable us to grant assistance by allowing us to offer our staff the opportunity to work additional hours not regularly scheduled. The county will suffer no harm, as all costs could be recovered and county employees might enjoy the extra overtime pay.

Another difficulty with the existing language is the use of prevailing rental rate of such equipment. For us, the nearest equipment rental rates to Esmeralda County would be in Pahrump, Fallon, or Bishop, California. Are we to use one of these rates? If so, which one? Should we average the available rates, or is the board of county commissioners able to establish this rate? The new language would allow the board of county commissioners to establish the equipment rates.

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

I would like to thank the bill sponsor for allowing me to put an amendment on this bill. The amendment I had brought forward is section 1 of the bill, which really is occurring out there in these smaller rural counties. The road department is doing some work for the school district or a general improvement district (GID). They help each other out because they do not have the capability otherwise.

This would allow it to be legal. The board of county commissioners could, in fact, by ordinance, establish that it was in the best interest of the county or the other governmental entity, which is the taxpayers. That is who we are

ultimately trying to protect. With this, it says that the board of county commissioners can adopt an ordinance if they determine it is in the best interest of the county. They could enter into an agreement to do some work, whether it be for the school district or maybe another GID. Again, we are talking about counties with a population under 15,000, but this also requires that they be compensated for that equipment.

Technically, what is going on today is the road department may go down and lay the road for the school district or somewhere else. They will say they are just helping out and that the taxpayers agree it is fine, but the bottom line is the school district would have to compensate the Esmeralda County Road Department. If it was a mosquito district and the county hauled water for them, they would have to pay for that equipment. Let us keep our budget straight. It helps them, and it also makes it legal.

Again, I am the one that is responsible for the 15,000 population cap. I wanted to make sure it was only in these smaller counties. As to the rest of the bill, I think that these smaller counties truly do not have planning departments. I am very supportive of the rest of the bill. It fills a need, especially when they start talking about abating a nuisance or something along those lines. They go through the public hearing process, which is required for an ordinance. It would be the same on the piece of the bill I brought forward. When you are going to pass an ordinance, you have to have two hearings to get it done.

I think this keeps the public involved through the ordinance process, and I think it allows for some of these smaller counties to be able to use all of their assets in the most cost-effective manner.

**Vice Chairwoman Neal:**

Thank you, Senator, for coming in and offering support. I think Ms. Boland pretty much went through the majority of the bill. We will just open up for questions.

**Assemblyman Ellison:**

Do you not think the 15,000 population cap is a little low? There are some counties that are just a little bit bigger than that but might still fall into this consideration.

**Senator Goicoechea:**

That 15,000 cap actually gets six counties. I will wait to hear the testimony from AGC and their rationale. I know they are very concerned in the urban areas about having this nuisance ordinance or abatement turned into some type of noise abatement. The sword cuts both ways. I think that is our major

concern. If you are in Goldfield, Eureka, or Austin, noise abatement is not really an issue. You are glad to have somebody out and about, whereas, in some of the larger areas, such as Fallon or Elko, people start complaining about the noise factor. I think that is what they want to address. I will let them address it.

**Assemblyman Elliot Anderson:**

My questions are brief about the strikethroughs in sections 1.5 and 3. I am a little nervous about getting rid of those procedures in NRS 244.3605 because they deal with a lot of notice requirements. If we open up these abatement procedures to local control, what comfort do we have to make sure that people who are getting these abatements are getting proper notice? It is very important before you do anything like that to have notice and potential hearings, if necessary.

**Senator Goicoechea:**

Realistically, you could incorporate that right in the ordinance. I would hope that if the people in that jurisdiction were concerned about not having adequate notice, then they would come to the public hearing on the ordinance. Having served as a county commissioner for a number of years, that is exactly what the people need to do. They need to come forward when they hold a hearing to adopt the ordinance and say they require this notification.

Again, because this is my ordinance, it is very similar to what we are doing here today.

**Nancy Boland:**

That was one of the reasons I brought up the sections of existing statutes that remain untouched. In NRS 244.360, section 6, it says, "Notwithstanding the abatement procedures set forth in the preceding subsections . . . ." I think that would answer your question about notice. If it is going through a court, the people have to be provided with paperwork to say that they are being sued by the county and enjoined for their court date.

**Assemblyman Daly:**

I am not sure what you are trying to fix in section 1. In section 2, lines 26 through 28, it says, "in the absence of a responsive and responsible contractor that is licensed to perform the work." If I knew that you had that restriction and could not do it if there was a "responsive and responsible contractor," I would become that contractor and be the sole source. You are going to have to come to me. I do not know if that language works for you.

I have concerns over the nuisance portions, but I will wait for Mr. Madole's testimony.

**Nancy Boland:**

I will talk about section 2 because that is the part I wrote. I put "responsive and responsible contractor" in there because I was trying to avoid any problem from contractors' boards on this. Our whole purpose here is that we do not use the county equipment as a moneymaking tool for the county. We are trying to do this to possibly provide a benefit to new businesses or something that would be beneficial to the county, but we should not be replacing contractors. That is why that language is in there. It is only envisioned for an instance when you cannot find someone else to do these small jobs.

**Assemblyman Stewart:**

It seems to me that this is an example of a problem that you see. On the local level, you see a solution, and you implement that solution. Is this an example of what we were talking about in S.B. 2, or am I crazy?

**Nancy Boland:**

Yes, sir. It is. Even if S.B. 2 passed tomorrow, if the counties wanted additional freedoms that are already addressed in the NRS, there would be bills of this nature to enable them to make their own rules within what is established law.

**Assemblyman Livermore:**

I want to address a small change to the bill. On page 4, subsection 5, it says, "As used in this section, 'imminent danger.'" Now, "imminent danger," is that going to go through a quick response by local government? Might there be some unintended liability? The way I read this, a decision is made by somebody, and it is probably not the county commissioners as a whole.

**Nancy Boland:**

I am a little puzzled about what you are trying to get at here. They crossed out "Imminent," and the new language changed it to "imminent danger." That was done by the Legislative Counsel Bureau (LCB) to maintain that the definition would still be in the new bill.

**Assemblyman Livermore:**

I am not quite sure how the time frame works when something is considered to be an imminent danger. Is that something on which you either act or do not act? Is there an unintended liability with that? If it has been determined to be an imminent danger and nothing happens for a couple of weeks, but then something does happen, could somebody bring liquidated charges against the county?

**Nancy Boland:**

Section 3 has quite a lot of verbiage that talks about how you determine whether or not a structure is dangerous and the danger is imminent. I will not read all of that, but it goes into quite a lot of length there.

**Assemblyman Livermore:**

I do not see it.

**Vice Chairwoman Neal:**

Can you state the line and page it is on?

**Nancy Boland:**

It is in section 3, pages 3 and 4.

**Vice Chairwoman Neal:**

Are we talking about subsection 2, paragraph (a) or (b)?

**Nancy Boland:**

It would be the entire section 3. It details the procedure for when a dangerous structure is ascertained. It says, "If practicable, hand-delivered or sent prepaid by United States mail to the owner of the property . . . ."

**Vice Chairwoman Neal:**

I think that is something we can follow up with later. We will shift into support for S.B. 66 (R1). [There was none.] Is there any testimony in neutral? [There was none.] We will shift into opposition.

**Juanita Cox, representing Citizens in Action:**

Having been involved with a number of other counties and cities, I see that section 2 talks about the absence of a responsive and responsible contractor. I have seen in other entities that this is given to Joe My Cousin, and the contractor charges a ridiculous amount of money. My concern is that this could also happen and is giving license to some problems. Especially in light of all the restraints, the citizen responsibilities have all been removed, and there is no notice. I do not see a notice. The county or entity just comes in, and they do whatever they want. They assign a contractor, charging whatever they want, and the citizen has to pay that. Their only recourse is to go to court. This is not good, in my opinion.

Like I said, I have seen it in other entities where the government is overreaching. I am not for home rule where the citizen does not get a proper chance to clean up their own backyard. This is just very concerning to me and would be concerning to my constituents. They are not going to be covered,

not going to be noticed, and not going to have the chance to hire their own people to remove their own nuisances.

**John Madole, representing Associated General Contractors, Nevada Chapter:**

You should have before you a copy of a very simple amendment that we proposed ([Exhibit H](#)), which would restrict sections 4 and 5 to counties with a population of 45,000 or less. They are listed in front of you. We have a concern that, if you start taking the definition of a nuisance out, going from one county to another not knowing what a nuisance or a chronic nuisance is, it would cause some very difficult problems in our industry.

In order to try to help the people promoting the bill, we decided that we would allow them to do that in the small counties if they feel that it is necessary. However, if that were to remain for the larger counties, it would change our willingness to accept this amendment and support the bill.

**Vice Chairwoman Neal:**

Are there any questions?

**Assemblyman Daly:**

If I understand your testimony correctly, you think changing the nuisance policies is a bad idea. If it is bad policy, it is bad policy. Why is it not bad policy everywhere in the state?

**John Madole:**

I am accepting the small counties claiming that they have a problem that is somewhat unique. If that is the case, then we would withdraw our opposition as far as they are concerned. We certainly have a problem if this remains for the larger counties in which we operate quite a bit.

**Vice Chairwoman Neal:**

Is there anyone else in opposition? I see none. Can we have the bill sponsors come back up for final comment?

**Senator Goicoechea:**

It sounds like maybe we need some clarification from AGC as far as that. If I could respond to Assemblyman Daly, you have to understand, it is different in those rural areas. As you know, there is a difference between Austin and downtown Las Vegas, what is considered a nuisance in those areas, and how they can be cleaned up or removed.

You need to make sure that an ordinance provides protection for the public from irresponsible contractors. Thank you, and I would appreciate your support.

**Nancy Boland:**

I know in the opposition testimony there was some mention made of "responsive and responsible" contractors related to portions of this bill that address nuisances, and there is no such language in there. That is solely in section 2, which addresses use of county equipment on roads. I would like to clear that up.

I would also reinforce what Senator Goicoechea said. We do have different sets of nuisances. In our small communities, if we hear a lot of noise due to construction, we are really happy because that means we might get a little extra money in that property tax. We are geared differently. Because it is so specifically defined in there, I really do not think it is a good thing. Also, it must be in your ordinance that way. That ties the hands of the court, and as I pointed out, there are definitions in other portions of the NRS which are virtually identical to what must be in this ordinance.

The board of county commissioners does have some flexibility under the current law to define what a nuisance is, but I would be a lot more comfortable if we could define it ourselves. We have some really serious problems, such as animal hoarding and people who are endangering others with how they care for their property. As I mentioned in the testimony, we have serial nuisances. For us, it would be easier to define what a chronic nuisance is in terms of longevity to person or to property, rather than what it is now.

**Vice Chairwoman Neal:**

We are going to close the hearing on S.B. 66 (R1) and open up for Senate Bill 272 (1st Reprint).

**Senate Bill 272 (1st Reprint): Provides for the revision of the boundary line between Storey County and Washoe County. (BDR 20-840)**

**Senator Ben Kieckhefer, Senatorial District No. 16:**

Before you today is Senate Bill 272 (1st Reprint), which is the product of a conversation I had with a landowner in Storey County who is adjacent to my district. This individual would like to bring the property that he owns into Washoe County from Storey County for the purposes of potential future development. It is property that probably more appropriately fits into the more urban and suburban land use that is afforded in Washoe County's planning right now. I told him I would bring the bill forward. It has been well negotiated to

the point where the decision on this would be left to the two governing boards of Washoe County and Storey County.

The bill itself has two pieces of property involved in it. One is the piece that I just spoke about, and the other is a piece of property along the Interstate 80 (I-80) thoroughfare that is adjacent to Storey County and could be used in conjunction with the Tahoe-Reno Industrial Center (TRI).

What the bill does is leave it up to the two governing bodies to collectively decide if they would like to bring in one, both, or neither of the properties in terms of a land swap. They have two years to make this decision, and the bill would expire at the end of the next biennium, on June 30, 2015. Section 2 of the bill provides protection for each individual county's tax rolls, unless there is an agreed-upon change to that. It is really leaving it up to the two governing bodies as to whether or not they would like to make this trade of property.

**Vice Chairwoman Neal:**

Before you go forward, could you repeat the statement on the tax roll?

**Senator Kieckhefer:**

Yes. Section 2 is designed to protect each individual county's taxes and tax base so that there is no adverse economic effect on the counties unless there is an agreement between those counties to make some change in that way. It would have to be mutually agreed upon by both entities.

**Garrett Gordon, representing Lewis & Roca LLP:**

On the Nevada Electronic Legislative Information System (NELIS) you should have two maps. One is on the easel to my left, showing the proposed Storey County land acquisition ([Exhibit I](#)). The second is a map showing the proximity of major services to the Sunny Hills property ([Exhibit J](#)). Referring to the first map, I represent the property owner of the rectangular parcel in the lower left. We would like those series of parcels to be brought from Storey County into Washoe County for three reasons. The first is proximity to services. If you look at the major facilities map, you can see that a water structure and roadway and sewer facilities are probably within a mile and a half of the development. Looking on the Storey County side, it is certainly a lot farther away and probably less cost-effective and less time-effective.

Also, geographically, if you look at the major facilities map, the ridgeline runs to the east of the proposed property that would come into Washoe County. This is really the west side of that hillside. Again, as far as services for residents and businesses in the area, everyone would be using the infrastructure in the public facility and public safety components of Washoe County.

The bill, as Senator Kieckhefer mentioned, identifies this piece. I will allow Mr. Hess to discuss the Storey County piece. Again, it just provides enabling authority. The bill identifies two pieces of property and allows the counties two years to work out a deal. I will note that this includes the Virginia City Highlands folks. I think there is a resident here today who lives a few miles away from my client's property. He has some concerns about water zoning and a lot of local issues. We have committed on the record at both county commission hearings that we have neighborhood workshops up there and continue to work with them.

**Greg "Bum" Hess, representing Storey County:**

I am also speaking on behalf of the property owner in TRI, but as a friend, not on any other level. You have this bill in front of you. We are neutral on it from the county commission standpoint but in favor of working with Washoe County in this swap. We think it is going to be a huge economic boom one way or the other, especially with the industrial piece that we have down along the river right next to the nation's largest industrial park. We have 106,000 acres, which is roughly two-thirds of Storey County, that is owned by the TRI partners. This particular piece is in Washoe County. It is separated by a river. We have about \$35 million of infrastructure sitting right at the edge of the river, which will probably not be developed as the land stands in Washoe County because of complications.

We look forward to working with Washoe County and trying to get this into Storey County to create a lot of jobs.

**Assemblyman Ellison:**

I looked at the map, and if you are going to do this, now is the time to do it. If you get population in there, then you start looking at letterheads, zip codes, and things that could interfere. I think cleaning up some of those areas that are along the highway is a good start for future commercial development.

Is that residential at the bottom of the map? Is that a subdivision?

**Bum Hess:**

Yes. This is basically Hidden Valley here, and this is the Damonte Ranch area and the Double Diamond Ranch area. Yes, this is very much residential, commercial, and industrial all through here, which is Washoe County. This here is the borderline of Storey County.

**Assemblyman Ellison:**

That is what I am trying to say. If they develop that under the other county and then decide to do this later on, you are back trying to get people to change their addresses and their county. If you are going to do this, now is the time to do it.

**Assemblyman Daly:**

I was looking at the original bill, which did not include any type of swap. Who brought the amendment?

**Senator Kieckhefer:**

The effort was to try to ensure there was a negotiation that took place. I would not want to propose a bill that takes property out of a county that the county had not agreed to give up. I brought the original bill to address the property in question adjacent to my district but with the understanding that it was going to be amended as a part of this process.

**Assemblyman Daly:**

Who brought the amendment?

**Senator Kieckhefer:**

I may have brought the amendment. I do not remember. It must have been the first reprint after we got it drafted. It may have been my name on it. I have to go back and look. It was agreed upon.

**Assemblyman Daly:**

Obviously, a legislator has to do it. The appraised value of the two different pieces of property I understand are substantially different, and I hear the gentleman at the end of the table saying we want to create these jobs. I do not know why Washoe County would not want those jobs. I am just not seeing it as a fair swap. If a landowner owns land privately held in another county and wants to have it brought into Washoe County, I understand the legislator saying he will bring the bill for him. However, where is that landowner trying to defend his need, and how did the other citizens of Washoe County get into this swap? We have more valuable land in Washoe County along the river and along the I-80 corridor that we want to swap for the benefit of some other developer, and the developer is not even here. I see Mr. Garrett here but not the landowner. I was just curious who brought the amendment and why the rest of Washoe County is being brought into some developer's problem.

**Senator Kieckhefer:**

As those pieces of property currently sit, the assessed value may be very different, but upon development, that is going to change. I think the idea of bringing in mixed-use development, residential, and commercial areas into

Washoe County is going to adjust that assessed value significantly and could be a benefit to Washoe County in the long term.

**Garrett Gordon:**

Also, it was important to both commissions that it did not necessarily have to be a land swap. It could be either/or. Maybe Washoe County would never give up their piece, or maybe Storey County would never give up their piece. We are just asking for the ability to have those dialogues and negotiations within the next two years.

**Assemblyman Livermore:**

I could see why this makes good sense. What we are putting in place is an opportunity for two county commissions to negotiate the development within their proposed adjustments of their county lines, and it gives a two-year time limit to accomplish that. There is a commissioner here from Storey County today who would not be representing this if he felt it was not the appropriate thing to do. I am in support of this, and I look forward to its adoption and moving forward.

**Vice Chairwoman Neal:**

For the vacant parcel that is now in Storey County, what is the development that is planned? What is the projected assessed value that is going to be associated with that development?

Under section 2 of the bill, have there been any discussions on the taxes or revenue that someone could prospectively pledge if you agree to do the swap before July 1, 2013?

**Senator Kieckhefer:**

I think the value of the property that is currently in Storey County is really dependent on how it is planned and how it is utilized. If something gets brought into Washoe County, there would have to be a discussion over the appropriate land use for it. They would have to get a map. That has to go through the entire local government development process and land use process before you could do a real assessment of what the potential value is going to be. I cannot speak to whether or not there is a master plan already developed for the community. A lot of that will depend on the zoning and land use that is given.

I cannot speak to the issue over a prospective use of potential taxable or assessed value for pledging obligations of the county. I do not know exactly how to answer that question, if I understood it correctly.

**Vice Chairwoman Neal:**

Here is what I find interesting. They want to come over into Washoe County because the services are in Washoe County. There is an expense for them to do development on the Storey County side where there are no services that reach that parcel. Is that correct?

**Bum Hess:**

Which parcel are you talking about?

**Vice Chairwoman Neal:**

I am talking about the rectangle ([Exhibit I](#)). Do you have services that currently go to that vacant land?

**Bum Hess:**

No, we do not.

**Vice Chairwoman Neal:**

That is right. Basically, the client wants to swap or come into Washoe County so he will not have to take on that burden of those services. It will then already be included under Washoe County. My thought is that no one goes through the process of legislation without knowing what the benefit or the potential profit is. Why would you do that? It does not make any sense. What do they want, and what is the potential profit benefit that is going to be derived? That is what I want to know.

**Senator Kieckhefer:**

I cannot adequately speak to that. I do not represent the developer. Maybe Mr. Gordon can address that question, but I think the issue is over what type of project this person wants to develop on their land. Where it is currently placed within Storey County, it does not have connectivity for any type of municipal service. With the desire, from my understanding, to build some sort of mixed-use suburban style development, you are going to need the services that go along with it. The cost of extending those services out onto this parcel from Washoe County, where they currently stub out, will be a burden that is laid upon the developer of that property. However, the concept of trying to go through the land use process within Storey County, build them all, and then connect those utilities between counties has been explained to me as incredibly difficult. Those are not things that usually go multicounty.

Having uniformity within the governmental jurisdiction for those types of services, whether it is water, sewer, or whatever it may be, makes sense from a development perspective. I am sure that the developer would not be proposing it if it was not going to be profitable for him. Frankly, from my

perspective as a policymaker, I do not care if he is going to make money. I like when people make money. If, in the end, Storey County and Washoe County agree that they want to make this land swap, who am I to say that someone should or should not be profitable and to what degree?

**Garrett Gordon:**

I will refer again to the Sunny Hills major facilities map ([Exhibit J](#)). My client owns the property in the green, which is currently in Washoe County, and also the property with diagonal white lines, which we would like to come into Washoe County.

You asked why, and there are three reasons. One, you hit the nail on the head with the services, but we have to pay to get services from our property to the existing stub. Developers have paid, as they should, for their impacts for the facilities to where they are currently located. My client would pay to connect those services to the existing stubs. Two, it is a very unique and beautiful piece of property up on the hillside. There are four or five unique plateaus where residential or a commercial node would occur. With the property line running right through the middle of the development, it really would cut neighborhoods in half. As the property sits today, you could have your property being in Storey County while you are in Washoe County. It is the continuity of development of how the property sits that is the reason we would like to bring this piece into Washoe County. Lastly, geographically, there is a ridgeline that runs along the east boundary of this property. To us, it makes some sense. Everything on the west side would be in Washoe County and the east side would be in Storey County.

I would also note that the Regional Transportation Commission's (RTC) plan shows South Meadows Parkway, which is in Reno off of I-80. It is the major access point to this property. The secondary access point is another route through Reno. Not only are there no services, but there is no infrastructure on the Storey County side to get up to the property. Anyone living up there or doing business up there would access that property through Reno and Washoe County.

Finally, I will answer the question you asked me yesterday about what could be the potential value at the end of the day. I talked to the client. It is way too speculative at this point. Right now, it is zoned. There is a very large residential lot. We have plans for hopefully higher density and some commercial uses, but like I said, Storey County made it very clear on the record when I went through their county commission that we need to work with the Virginia Highlands folks. We may have to give up some additional open space. We may have to limit the zoning. We may have to do some height restrictions.

We may have to do a number of things to mitigate their concerns and be able to get a development.

I wish I could give you a number, Madam Vice Chairwoman, but I think it is just too speculative at this point until we have all of the local land use issues resolved.

**Vice Chairwoman Neal:**

I appreciate that. How long has he owned this already existing developed property? Did he not know that one part of it was in Storey County when he was thinking about the continuity of the development?

**Garrett Gordon:**

This property has been owned for 30 years. It was purchased 30 years ago, waiting for Reno and Reno sprawl, if you will, to eventually make it out to the property. It has the Damonte Ranch subdivision and development. It is beautiful and has won awards in northern Nevada. This would be, I believe, a nice accent to that area.

Yes, he knew that a portion of the property was in Washoe County and a portion was in Storey County. I have only been involved for the last couple of years, but my understanding is, for a length of time, there have been discussions with Storey County about doing interlocal agreements and boundary line adjustments. All that discussion has led up to where we are today. We would like to see this property come into Washoe County knowing that there is remaining property on the backside that would stay in Storey County, and we would work on what that development would look like, as well.

**Assemblyman Ellison:**

The way I look at it, this is a fair trade. The portion of the residential is the larger lots. You have an infrastructure there. You will also have parks and recreation, just like you said, but the big thing is the smaller portion that goes down along the highway. It is not the same in landmass, but you are talking apples and oranges. That is a commercial development. That could be the future of what that county could do as far as truck stops. To me, it is a fair trade because they are going to have housing developments. It already has infrastructure, and the other trade would be for future commercial development.

**Bum Hess:**

I just want to make it very clear that neither commission intended this to be a land swap. It very well could be, at the end of the day, but both commissions have to decide that. It could very well be that the bigger parcel gets brought into Washoe County. Storey County may say no, and that parcel may stay in

Storey County. To the other piece along the river, Washoe County may say they want to hop in but are going to do a revenue sharing. There is a lot of infrastructure down there. Storey County and Washoe County will probably be talking about not just giving this land to Storey County for the industrial park but doing some type of tax sharing along that.

We are very well prepared. We know exactly what this land could be worth. It is not worth much right now in Washoe County because of our infrastructure. The developer who did all of Double Diamond Ranch will not work in Washoe County so much anymore. He is getting a little bit up there. He has 106,000 acres in Storey County. With this Washoe County piece right now, which is in his hands, he does not plan on bringing any infrastructure over there unless it is into a Storey County play. He has a huge master and service plan already enacted in Storey County, and, as I said, has over \$30 million sitting in Storey County to develop this industrial park.

This is just a little part of it, but it is a very intriguing part because it is right off of I-80. That is something that we are very interested in, and Washoe County, talking to some of those folks down there on the commission, know that this will not be developed in their lifetime unless it does get switched over into Storey County. However, both counties have to come together on this and decide if it is best for both counties. If it is not, at the end of the day, we are back here in two years and no property lines are adjusted. It is up to the two counties to decide that.

**Vice Chairwoman Neal:**

We will go ahead and shift into support.

**Bill Sjovangen, Chairman, Storey County Commission:**

To make a long story short, basically what we are asking for here is your permission for the two counties to talk back and forth with each other. This is the first step of a very long trip. We are going to have to have a lot of public meetings. At least on the Storey County side, we will put this up in front of our planning commission. We want to get feedback from the population, particularly those who are most closely impacted by the residential development that Mr. Gordon wants to do.

It is going to be a long process. As you have seen, there is a sunset clause some two years in the future. This could result in both a residential and a commercial development on the one side. On the other side, this thing could simply sunset in two years, and nothing would ever be done. Basically, there is a lot of work to be done. There is no way we could get it done during the 120-day session. What we are asking you to do is let this drop down to the

county level so that the two counties can work with each other and go through this process.

**Assemblywoman Bustamante Adams:**

Can this not already be done through an interlocal agreement instead of having to put it into legislation?

**Bill Sjovangen:**

We cannot move the county lines ourselves. The problem we get into is cross-county utilities and things like that, which I do not totally understand. Mr. Gordon probably can explain that, but there are some things that we just cannot do at the county level through interlocal agreements.

**Assemblywoman Bustamante Adams:**

You probably need to check that because, from my understanding, you can. If there is an agreement between the counties to be able to share services and taxes, it is already possible.

**Bill Sjovangen:**

I would have to refer to legal counsel on that. I do not have counsel here with me today, but this is my understanding.

**Vice Chairwoman Neal:**

Are there any additional questions? Seeing none, we will shift into neutral. Are you neutral?

**Bill Sjovangen:**

Storey County is going to remain neutral on this, but we would like to get it through this building and get it down to the county level. That is all we are asking you to do.

**Vice Chairwoman Neal:**

Okay.

**Priscilla Maloney, representing American Federation of State, County and Municipal Employees Local 4041:**

American Federation of State, County and Municipal Employees (AFSCME) Local 4041 represents a bargaining unit in Virginia City and Storey County. I asked the county employees their input on this bill and what their concerns were, if any. They are definitely neutral. However, they wanted it brought to the Legislature's attention that they are very concerned about the impact on water up there. We do not represent police or fire up there, but we do represent the folks who do the 9-1-1 calling. Fire is a huge issue up in that

area, and it always has been. The only concern they wanted me to bring to the attention of the Committee was about how this would impact their water reserves.

**John Slaughter, representing Washoe County:**

Washoe County Commission has reviewed the issue, and Mr. Gordon did come to the commission and discuss the issue. The board took no position. They are, however, very happy with the components of the bill, particularly that it comes to the Storey County Commission and the Washoe County Commission through resolution if this is to move forward. There is a deadline. Within the next two years, this has to be either completed or not, and then the fact that it is either both, one, or neither of these properties that would be swapped. The boundary line adjustments would be made.

With those provisions in the bill, they did not take a position, but if it does move forward with the amendment that was brought on the Senate side, they would be very happy. If it does move forward, they wanted to make sure that those provisions were in the bill.

**Juanita Cox, representing Citizens in Action:**

I originally opposed this bill on the Senate side. I was concerned with the amendment, but it was not brought out at that time. All of a sudden, it was in the bill. In the past many years, Washoe County residents had fought a highway or road, and this might be some kind of a reason for this exchange. I have informed those people and also Storey County. Now I feel that at least somebody is representing the citizens or is aware of this bill.

**Vice Chairwoman Neal:**

We will shift into opposition on S.B. 272 (R1). [There was none.] We will call the bill sponsors back to the table for any final comments.

**Senator Kieckhefer:**

Ultimately, what we are trying to do is let the county commissions make a decision as to whether or not this makes sense for their counties and their residents and give them a deadline. If they can work out a deal within the next two years, then go for it. If not, they are out of luck. I think that makes sense.

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**Vice Chairwoman Neal:**

We will close the hearing on S.B. 272 (R1), and we will open up for public comment. I see none.

Meeting adjourned [at 10:52 a.m.].

RESPECTFULLY SUBMITTED:

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Maysha Watson  
Committee Secretary

APPROVED BY:

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Assemblywoman Dina Neal, Vice Chairwoman

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

**EXHIBITS**

**Committee Name:** Committee on Government Affairs

**Date:** April 25, 2013

**Time of Meeting:** 8:19 a.m.

| <b>Bill</b>         | <b>Exhibit</b> | <b>Witness / Agency</b>                                       | <b>Description</b> |
|---------------------|----------------|---|--------------------|
|                     | A              |   | Agenda             |
|                     | B              |   | Attendance Roster  |
| S.B.<br>2           | C              | Jeffrey Fontaine / NACO                                       | Testimony          |
| S.B.<br>2           | D              | Jeffrey Fontaine / NACO                                       | Handout            |
| S.B.<br>2           | E              | Wes Henderson / Nevada League<br>of Cities and Municipalities | Testimony          |
| S.B.<br>2           | F              | Danny Thompson / Nevada State<br>AFL-CIO                      | Testimony          |
| S.B.<br>2           | G              | Juanita Cox / Citizens in Action                              | Testimony          |
| S.B.<br>66<br>(R1)  | H              | John Madole / AGC Nevada<br>Chapter                           | Amendment          |
| S.B.<br>272<br>(R1) | I              | Garrett Gordon / Lewis & Roca LLP                             | Map                |
| S.B.<br>272<br>(R1) | J              | Garrett Gordon / Lewis & Roca LLP                             | Map                |