

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

**Seventy-Third Session
March 31, 2005**

The Committee on Government Affairs was called to order at 8:13 a.m., on Thursday, March 31, 2005. Vice Chairwoman Peggy Pierce presided in Room 3143 of the Legislative Building, Carson City, Nevada, and, via simultaneous videoconference, in Room 4412 of the Grant Sawyer State Office Building, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Mr. David Parks, Chairman
Ms. Peggy Pierce, Vice Chairwoman
Mr. Kelvin Atkinson
Mr. Chad Christensen
Mr. Jerry D. Claborn
Mr. Pete Goicoechea
Mr. Tom Grady
Mr. Joe Hardy
Mrs. Marilyn Kirkpatrick
Mr. Bob McCleary
Mr. Harvey J. Munford
Ms. Bonnie Parnell
Mr. Scott Sibley

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Eileen O'Grady, Committee Counsel
Susan Scholley, Committee Policy Analyst
Kiz Malin, Committee Attaché

OTHERS PRESENT:

Stephanie Garcia-Vause, Legislative Advocate, City of Henderson, Nevada
Pete Etchart, City Engineer, City of Sparks, Nevada
Ruedy Edgington, Assistant Director, Engineering Division, Nevada
Department of Transportation
Jeffrey Foltz, Engineer, Community Development Department,
Douglas County, Nevada
Daniel Holler, County Manager, Douglas County, Nevada
Cheri Edelman, Legislative Lobbying Team, City of Las Vegas, Nevada
John Flansberg, Deputy City Engineer, Development Services
Department, Carson City, Nevada
Andrew List, Executive Director, Nevada Association of Counties
Kimberly McDonald, M.P.A., Special Projects Analyst and Lead
Lobbyist, City Manager's Office, City of North Las Vegas,
Nevada
Dan Musgrove, Director of Intergovernmental Relations, Office of
the County Manager, Clark County, Nevada
David Fraser, Executive Director, Nevada League of Cities and
Municipalities
Carole Vilardo, President, Nevada Taxpayers Association
Diana Alba, Assistant County Clerk, Office of the County Clerk,
Clark County, Nevada
Reverend George Cotton, Minister, Shalimar Wedding Chapel,
Las Vegas, Nevada
Charlotte Richards, Owner, Little White Wedding Chapel,
Las Vegas, Nevada
Frances Deane, County Recorder, Clark County Recorder's Office,
Clark County, Nevada
Alan Glover, Clerk/Recorder, representing the Nevada Association
of Recorders
Judy Wilinski, Private Citizen, Clark County, Nevada
Cliff Evarts, Owner, Vegas Wedding Chapel and Las Vegas
Wedding Bureau, Las Vegas, Nevada
Bart Donovan, Owner, Document Retrieval Service, Las Vegas,
Nevada

Kathryn Burke, County Recorder, Washoe County Recorder's
Office, Washoe County, Nevada

Vice Chairwoman Pierce:

[Meeting called to order and roll called.]

Assembly Bill 178: **Revises provisions governing notaries public.**
(BDR 19-1130)

Susan Scholley, Committee Policy Analyst, Legislative Counsel Bureau:

[Referred to [Exhibit B](#).] This bill is sponsored by Assemblyman Ocegüera and was heard by this Committee on March 16, 2005. Assembly Bill 178 permits attorneys to notarize documents for which they will receive a fee or other compensation over and above the fee for the notarization act. There were no amendments proposed to the bill. There was no testimony in opposition. Subsequent to the hearing, Committee members did receive a letter from Assemblyman Ocegüera advising them that there were at least 7 other states that permitted attorneys to act as notaries, and there was no identifiable fiscal impact at the state or local level.

Assemblywoman Parnell:

I remember when this bill was heard. I have some concerns about it, and the more I read it, I feel that it is something that would allow or set up a situation where it could be abusive, so I will be voting no on the bill.

Assemblyman Parks:

I know that we had testimony in support of this bill, and the one comment that was made that carries through is that an attorney who would abuse and do something fraudulent has a whole lot more to lose than an individual who might be a notary, amongst other duties. While I am not strongly in support of this bill, there are 7 other states that we were informed of that have such a process, and since the Secretary of State's Office did not oppose the bill, I guess I will be in support of it.

Assemblyman Goicoechea:

Would they still be required to be bonded like another attorney?

Susan Scholley:

Yes. They would still be subject to all of the requirements of notaries public. They would have to go through the Secretary of State's Office and comply with all those statutes.

Assemblyman Goicoechea:

With that, I could support the bill. I think that then he just becomes like any other notary, except that he happens to be an attorney who might have drafted a document. Again, if they have to comply with that and sign the notary book, it does provide some protection.

ASSEMBLYMAN GOICOECHEA MOVED TO DO PASS
ASSEMBLY BILL 178.

ASSEMBLYMAN SIBLEY SECONDED THE MOTION.

THE MOTION CARRIED, WITH ASSEMBLYWOMAN PARNELL
VOTING NO.

Vice Chairwoman Pierce:

[Assembly Bill 188:](#) Provides that certain electronic mail addresses are confidential and not public records open for public inspection.
(BDR 19-595)

Susan Scholley, Committee Policy Analyst, Legislative Counsel Bureau:

Assembly Bill 188 relates to making certain electronic mail addresses confidential and not public records open for inspection. The bill was sponsored by the Assembly Committee on Government Affairs on behalf of the Nevada Association of Counties. It was heard in this Committee on March 23, 2005. Assembly Bill 188 exempts electronic addresses from the public records disclosure provisions, unless the electronic address is provided in the course of a business relationship with the local government, is requested by another government entity, or is ordered by a court.

Several amendments to the bill were proposed. The Nevada Press Association proposed clarifying that the target of the bill was bulk disclosures of citizens' email addresses, and concerns were raised and testimony was given regarding the request to government entities for bulk disclosures of email addresses or databases of email addresses for use by spammers and similar operations. The

members of the Committee also raised an issue regarding the situation where another government entity would request the database and whether or not that requesting entity would then subsequently be subject to the restrictions on disclosure of the database.

[Susan Scholley, continued.] Subsequent to the hearing, an amendment was also proposed by the Las Vegas Convention and Visitors Authority to clarify that records otherwise confidential under the law would remain so. I have provided a mockup of the proposed conceptual amendments, of which I will go into greater detail in a moment. There was no testimony in opposition to the bill. Washoe County testified that NACO [Nevada Association of Counties] had introduced the bill at its request. Speaking in support of the bill were Councilman Michael Mack from Las Vegas, Lyon County, Truckee Meadows Water Authority, the City of Reno, and the Nevada League of Cities and Municipalities. Kent Lauer from the Nevada Press Association indicated his support of the bill as amended, and the Secretary of State's Office weighed in as neutral on the bill. There is no identified fiscal impact at the state or local level.

Turning to the mockup, the first proposed conceptual amendment would be to narrow the exception to databases or bulk disclosures of email addresses, since the intent of the bill is to prevent spammers or similar types of activities from requesting databases of emails for purposes of spamming or phishing, et cetera. The second conceptual amendment, which would presumably be somewhere in Section 1, was proposed by the Las Vegas Convention and Visitors Authority to clarify that this bill would not affect grants of confidentiality elsewhere in NRS [*Nevada Revised Statutes*] Chapter 239 or other chapters.

Finally, on page 2, in Section 1, subsection 3, the conceptual amendment requested by the Committee members would clarify that subsequent disclosures by a requesting government entity would be subject to the confidentiality provisions of the measure so that, in effect, you could not launder the database through another government entity.

Assemblyman Parks:

I worked on this and I did meet with some other individuals, and I think that they are all quite satisfied that this is a good piece of legislation. I certainly find that it is good to have the support of the Nevada Press Association.

ASSEMBLYMAN PARKS MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 188.

ASSEMBLYWOMAN PARNELL SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Vice Chairwoman Pierce:

The next bill we have is A.B. 346.

Assembly Bill 346: Authorizes the State Fire Marshal to adopt certain regulations relating to the use of fire by fire departments in providing training to firemen. (BDR 42-276)

Susan Scholley, Committee Policy Analyst, Legislative Council Bureau:

Assembly Bill 346 was sponsored by Assemblymen Grady and Oceguela and was heard in this Committee on March 28. Assembly Bill 346 directs the State Fire Marshal to adopt regulations applicable to fire departments conducting live fire training. At the hearing, the Chairman of the Fire Services Standards and Training Committee proposed an amendment to the bill to add the qualifier "nationally recognized" to fire training standards. I have provided a mockup of the proposed amendment. There was no testimony in opposition to the bill. Numerous firefighting entities spoke in support of the bill, including the State Fire Marshal, the State Forester, the Las Vegas Fire Chief, Professional Fire Fighters of Nevada, the Nevada Fire Chiefs Association, and the East Fork Fire Department. There is no fiscal impact at the state or local level.

Turning to the mockup of the bill, on page two there is a crude attempt to show generally what would be proposed by the amendment. It would simply clarify that the regulations adopted by the State Fire Marshal would be based on the nationally recognized standards in this area.

ASSEMBLYMAN GRADY MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 346.

ASSEMBLYMAN GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Vice Chairwoman Pierce:

That concludes the work session. I will now open the hearing on A.B. 231.

Assembly Bill 231: Requires construction and maintenance of certain sidewalks. (BDR 22-262)

Assemblyman Kelvin Atkinson, Assembly District No. 17, Clark County:

[Provided written testimony, [Exhibit C.](#)] Assembly Bill 231 requires the construction and maintenance of certain sidewalks adjacent to school properties. Currently we have new schools being constructed, and the school district has a policy that if a child lives within two miles of the school, he or she cannot take the school bus. They would have to walk instead. In my district, we have three newly constructed schools this past school year, and because District No. 17 and North Las Vegas is one of the fastest-growing areas in the state, schools have been constructed and the adjacent properties have no sidewalks.

I will tell you that I found this out the hard way. Approximately 2 weeks after the schools were opened, I received several phone calls; almost as many phone calls as I received about the property taxes. I received phone calls from outraged constituents in my district who were seeing their kids literally walking in the streets attempting to get to school. I personally got in my vehicle and I drove around those schools before and after school to see if this was indeed the case. In this case, the constituents were right again. I saw children not paying much attention—as children normally do while going to school in a pack—and not paying much attention to safety. They were walking, and instead of making a path directly to school, they were making paths out in the streets.

I ask you: shouldn't children's safety take priority? Madam Vice Chairwoman and members of the Committee, I have had every organization come by my office in the past few days wanting to discuss this very issue. To me, children's safety will not be compromised. I have pondered and pondered over this and who should be responsible for this sidewalk issue. This bill states that the governing body of a local government shall assign a cost to these constructed sidewalks adjacent to the portion of each public street that is located within one mile of public schools. What I have seen is that the problem exists almost nearly to the left or nearly to the right of the school properties, meaning that the problems are closer to the schools than they are further away, when we talk about the 2-mile radius that the school district requires.

I ask you again: shouldn't children's safety take priority? Shouldn't we care enough to have our children go to school in safe patterns, as opposed to dodging cars and traffic? Isn't it our responsibility to protect children when no one else is stepping up to the plate? You have in front of you an amendment that I worked on yesterday, because as we know, we were hit with the crunch and the bill did not exactly say or do what I wanted it to do, so I worked on it yesterday and made some changes. I would like to go over some of the important parts. If you will look at Section 1, number 1, where it says "paved walking paths on at least one side of the road," this clarifies that simple paving

is sufficient for the sidewalks and that one side of the road is being used by children. In most cases, that is what you see. They are usually making a path on one side of the street, so if we can create a safe path for them—even if it is on one side—that is sufficient enough for me at this time.

[Assemblyman Atkinson, continued.] Under 1(c), “adjacent to undeveloped property” clarifies that the sidewalk is only required where property is not developed. Developed property will have a sidewalk, because it is a standard condition of approval for all land use applications. The exception is for rural neighborhood preservation areas. Per local government code, these areas do not have sidewalks, curbs, gutters, or street lights. An amendment clarifies that sidewalks are not required in RMPs [residential master plans] in good policy. Section 1(d) clarifies that the governing body must construct the sidewalk only when property rights exist for the placement of sidewalks, or there are other legal means by which the property owner can be compelled to install the sidewalk. This is important, because it eliminates the need for local governments to either condemn property or purchase easements in order to construct a sidewalk.

Section 3(a) deletes the authority to assess property owners. If there is no developed property near the school at all, the local government will have to put in a temporary road. The additional cost to pave a temporary sidewalk while the road is constructed is minimal. Where property is developed, sidewalks will exist. If there are gaps or undeveloped property, then the quantity of temporary sidewalk is also minimal. Legally, it is questionable whether a government can assess a property owner for something that does not benefit the property. We may want to look into this. That covers the mockup amendment.

I have worked with a few of the entities that have a couple of amendments. I am aware that Henderson does have an amendment that covers their rural areas, and I do not have an issue with that. They already have some type of agreement in place. I know Douglas and Washoe Counties have the same kind of agreement, and it is the same as Henderson. I do not have too much of an issue with that either. All of us are aware that issues come before us, and this was something that hit me really hard when I saw it.

Since having the bill in, I have received a few emails and I have tried to forward some of them to the Committee. Ms. Sue Newberry sent in her testimony ([Exhibit D](#)), and I hope that you would take the time to read it. She will not be able to be here today. I thought that it was very nice of her to pay attention to this bill and send us her thoughts on what she felt about the sidewalk issue.

[Assemblyman Atkinson, continued.] We also received an email ([Exhibit E](#)) from Suzanne Antipa, again from Carson City. I would like to read her testimony ([Exhibit E](#)) into the record. [Read from [Exhibit E](#).]

Dear Government Affairs Committee:

I am writing in support of A.B. 231, requiring local governments to construct and maintain sidewalks within a 1-mile radius of public schools. This proposed law strikes a personal chord with me. When I was in elementary school, two of my school mates were killed walking home from school on the dirt shoulders of a busy road. Soon after, a sidewalk was constructed. It was the first time that I observed that it usually takes someone getting killed or injured before action is taken to correct an unsafe situation. I was probably 8 or 9 at the time, but it left a long-lasting impression on me. Please do not wait for another preventable tragedy. Pass A.B. 231 into law.

Members of the Committee, this is the sort of situation that I am trying to avoid. It happens to be a little personal for me, because my daughter attends one of those three schools that I just talked about. Luckily for her, she is dropped off at school and picked up by her mother, so the situation does not exist for her, but I do see the other kids, her classmates, walking in the street. Quite frankly, we are not only talking about the kids, but the elderly and anyone else who walks. We need safe paths.

Assemblyman Goicoechea:

I guess what concerns me, Assemblyman Atkinson, is that you are having a lot of new schools built, but in the northern part of the district that I represent, the schools are 20 and 30 years old. To require that they go in and put sidewalks in—many of the communities that I represent are a mile square—would mean that we would have to put sidewalks in the entire town, or maybe outside of town. In northern Nevada—especially if the sidewalks are adjacent to vacant property—with the snow we have, typically you end up with kids walking in the street because the sidewalks are full of snow.

I am curious about the amendment. I agree with where you are coming from. I agree that in a rural area, if you are going to build a new school, there should be some provision to establish when they site the school that there is enough easement there to place sidewalks to ensure that those students have the ability to walk on a sidewalk. At least through those areas, whether it is a mile or less, I am in favor of it, but I think that it really imposes a hardship on some local jurisdictions to put this in law and to go back and place sidewalks and paving in

place where the school has been there for the last 20 years. Those pathways have been established by the students as they came and went to school, and now we are going to require that the local government or some local entity come forward and pave. I think that we need a little bit more flexibility, especially in some of the smaller northern rural areas. What are your thoughts?

Assemblyman Atkinson:

I understand the rural issues, but I have to admit that I wasn't aware of them until just the last day or two. I am certainly willing to work with the rurals to make sure that their needs are met as well.

Assemblyman Grady:

I agree with your intent and I am glad to see that you changed it to "paved." If you want to see a paved walk that children are using every day, go right down Fifth Street to where the roundabout is, and they just put in a paved walkway along a very, very busy street that gets children to school. That is a plus, and I commend Carson City for doing that.

Taking into account other small areas, I have a situation in one of my cities where they do not have proper drainage around the whole town. If they were to put in sidewalks, how would they drain this area? This would be a tremendous expense, because you cannot drain onto your neighbor, so what would you do in a case like this? You are getting into a tremendous unfunded mandate for some of the small local governments. We would like to work with you on this and see what we can do to work out some of those issues.

Assemblyman Atkinson:

Fair enough.

Assemblyman Christensen:

I applaud the effort on the bill. I signed onto it because I believe in what you are working on. You and I, and the districts that we represent, are going through similar issues because they are out there in the same region. In these areas where they are going up—and there is construction going up all the way around—kids really are not trained to know where to walk. My kids are trained to walk on a path or on a sidewalk. If there is one there, I believe that they will gravitate to that. Being sensitive to some of the rural issues and other things going on, I would like to continue to work with you and offer my help on that.

Assemblyman Claborn:

I just need some clarification. I understood that this was only for new construction, and that what we have would be grandfathered in. Are you talking

about going back to the schools that have been there for 20 or 30 years, or are you talking about new construction only?

Assemblyman Atkinson:

The issue came to me from newly constructed schools. I have to admit that I didn't think that the problem even existed with a school that had been built 20 years ago. My initial thought was new construction. That is what I was going after. I mentioned that there were three new schools that went up in my district this year where the problem existed. This is one of those issues that was, for me, constituent-driven. They jumped onboard and asked me to do something about it, which is why this bill is in front of us today. That is what I was initially going after, but I had no idea that this problem would exist for a school that was up 20 or 30 years old.

Assemblyman Claborn:

Your answer is that this would be for new construction only.

Assemblyman Atkinson:

Yes, but I am willing to work with Mr. Goicoechea and Mr. Grady with the other schools.

Assemblyman Claborn:

Can we talk about converting real property in regard to our mobile homes and our trailer estates, et cetera, where an individual owns a property, has a mobile home on it, he can reconvert that property to real property? If you have so many conversions in there, and all they do is put in a foundation and take the axles off, then it becomes real property. If you have 200 mobile estates, and 50 or 60 of them are real property, how is this going to work in your bill?

Assemblyman Atkinson:

Mr. Claborn, again, I guess that is something that we have to give some thought to. All I know is that something needs to be done. We can throw in 50 different variables of how, why, and when, but children walking in the middle of the streets is not acceptable to me. We can talk about all the different variables. I am here until June 6, the rest of us are here, and we can work this bill out, but I think that it needs to be worked out.

Assemblyman Claborn:

I am willing to work with you on this as well. It is a good bill, it just needs some working over.

Assemblywoman Parnell:

Kelvin, this does really need to be looked at. As a former teacher, it seems like common sense. Maybe another thing that we need to look at in this is that when a school district determines the site that a school is going to be built on, they need to look also at an extension of paving or sidewalks for the access to that school. That would go along with what Mr. Claborn was saying. We do not want to plop a school into an area where there is no walking access into that facility. I would assume that that happens, but it appears as though that doesn't always happen, and I think we need to make more accountable the whole idea of where we are putting a school, making sure that we have safe access for the students attending that school. I would be very much in support and offer my assistance in any revision that needs to be done.

Vice Chairwoman Pierce:

I like the idea of where you are going. I would be a little concerned about saying that this was only about new construction, because then the older neighborhoods feel that they are being neglected, as they so often are. I would like to have some input on that, and maybe in terms of older neighborhoods, having a long-term plan or something like that. I agree with you that children need to have a way to walk to and from school, and the children need to be safe.

Assemblyman Claborn:

I am sure that this is going to come up, in regard to the fact that they have to build these sidewalks and assessments. The public is going to want to have their input as well, because some of these people who live in my area probably cannot afford it. I am sure that will come up as well, so I just wanted to point out that there is a fiscal element in this from your own pocket.

Stephanie Garcia-Vause, Legislative Advocate, City of Henderson, Nevada:

We are in support of A.B. 231 with Assemblyman Atkinson's amendment, and we are also offering another amendment ([Exhibit F](#)) to exempt out our rural neighborhood preservation areas. I would like to read the amendment into the record. It is not the exact language; however, it is the intent to include into Section 1, subsection 1:

"A provision exempting sidewalks or paved walking paths from areas designated by the governing body as rural neighborhood preservation areas where the residents' preference is not to have sidewalks adjacent to their property."

I am proposing this amendment because we spent over a year working with our rural neighborhood preservation areas, which were designed as a result of 1999

legislation. When we worked with the community, we found that, in order to help keep and retain their rural lifestyle, one of the things that was important to them was having less paved rights-of-way and more gravel areas so that they could ride their horses. Sidewalks are not necessarily appropriate in rural neighborhood preservation areas. With the amendment that I am offering ([Exhibit F](#)) and Assemblyman Atkinson's amendment, we would support the bill.

Pete Etchart, City Engineer, City of Sparks, Nevada:

I would like to talk a little bit about the impact. In regard to the impact, I passed out some maps that actually show the City of Sparks. You will see a 1-mile radius around all of our existing schools. You will also see a map for Reno/Sparks and the urban area of Washoe County, also showing a 1-mile radius around the existing schools. You can see that it shows almost the entire city of Sparks. Without some industrial areas, it is the entire city. In the city of Sparks, we are actually creating a Safe Walk to School Program. We have been working on this with the school district for a couple of years now.

What we are doing is identifying the safest and best routes to school. We are working on educating teachers, parents, and students with maps that they can take home to show their parents on the best and safest routes to go to school. With that, we can identify and prioritize needed sidewalk improvements, new sidewalks, and maintenance of existing sidewalks. When you replace older sidewalks, you also need to replace the older curbs and gutters that go with them, and then you end up doing a street patch.

The city owns the curb, gutter, and street; therefore, the city would need to fund these improvements along with sidewalk replacement. It is very difficult to replace an old sidewalk next to a very old curb and gutter, without replacing both. NRS [*Nevada Revised Statutes*] 278 actually identifies assessments as a financial tool that could be utilized in sidewalk maintenance. My experience is that assessments are not a good tool for sidewalk maintenance. When you add in assessment engineers, bond counsel, assessment roll, and plans, it all goes into an assessment district. It leads to a much, much higher cost for sidewalk replacement.

Legally, we would have a problem with assessing property owners due to the appraised value increase that sidewalk maintenance provides. Council will often listen to the citizens protest and allow citizens to replace sidewalks themselves before the city project goes through. This leads to a nightmare for quality control and inspection. It is also very difficult then to coordinate the sidewalk replacement with the curb and gutter replacement. This leads to a checkerboard effect for the city project, which again leads to a much higher cost.

[Pete Etchart, continued.] You also run into financial hardship cases. In our past experience of trying to do these assessments for sidewalks, we run into many, many citizens saying that they just flat out cannot afford it. They are either on SSI [Supplemental Security Income] or other financial hardship; they are on a fixed income. This usually leads to forming a Committee to actually address those legitimate financial hardship cases. Their cost must be absorbed by other property owners, the City, state, or federal grants, which again leads to much higher costs. What we really need is a stable source of sidewalk maintenance funds so cities can prioritize needs, replace sidewalks a block at a time, along with a curb and gutter, and keep costs to a minimum.

Ruedy Edgington, Assistant Director, Engineering Division, Nevada Department of Transportation (NDOT):

[Distributed [Exhibit G](#).] As the bill reads right now, the Department is neither opposed nor in favor of the bill, because I do not believe that it would apply to the State. It talks about local jurisdiction, and we do not actually fall under local jurisdiction, so we are pretty much neutral. My concern would be that if the intent of the bill is that State highways or some fairly large streets in urban areas that we do own, that if it would impact the Department of Transportation, then we certainly have some fiscal concerns. I believe that our office submitted a fiscal note on this bill. Nobody in their right mind is opposed to safety for children. That is absolutely ludicrous. The Department is certainly not opposed to that, but there are other means out there.

There is what we call "enhancement funding" that MPOs [metropolitan planning organizations], cities, and local governments can use now to build sidewalks, to build landscape, and those things, so I would say that if there is a bill that is important enough to introduce over here at the Legislature, then perhaps the local agencies should look at that enhancement funding and maybe reprioritize some of the work that they have planned, to include that work as sidewalks.

The Department of Transportation has no real control over zoning and zoning approvals, so I again would look back to the local agencies to accept that responsibility, so that when they approve a school, or they approve any kind of a development, the developer puts in the improvements necessary to make it function safely and efficiently. I would not look for the Department of Transportation to have to pick up any additional maintenance or inspection cost for that.

Assemblyman Grady:

We have NDOT highways going through most of our cities. I cannot see how you can say that NDOT would have no responsibility with these streets that are going through. I can name almost every city in my district that has an NDOT

highway going through it, and most of them have a school on one part or another of it.

Ruedy Edgington:

You are absolutely correct. The Department of Transportation does have responsibility for those sidewalks, especially for new construction. If we are coming in and building a new road, then we absolutely will be putting those sidewalks in. I am not sure that if development formed around an existing road that has been there for 10 or 15 years, that that should be the Department's responsibility, as it would be for a sound wall for a new development. If someone were to come in and build a school next to a freeway, and then expect the Department of Transportation to put up a sound wall because they put up a school right next to a freeway, I would expect, as with any private developer, that the school district would help with those costs. If it is an NDOT facility, especially new construction through a new area, then we would absolutely be responsible for those sidewalks.

Jeffrey Foltz, Engineer, Community Development Department, Douglas County, Nevada:

I am a professional engineer employed by Douglas County as a project manager. Our principal concern with this bill is the cost associated with construction of the new sidewalks. As an engineer, I put together a rough cost estimate for this work. As most of you are aware, it is not as simple as just building a sidewalk. To build a sidewalk, you need to build a curb, gutter, and storm drain. I put together a cost estimate for a rural setting. It appears that, perhaps, this would not be necessary, based on some discussion on amendments to the bill. This was the basis for my cost estimate. It comes to a little bit less than \$1 million per mile to build curb, gutter, sidewalk, storm drains, crosswalks, and saw cut patching, including permitting and engineering costs.

I took this cost and applied to one existing school in Douglas County. It is the Pinion Hills Elementary School in the Johnson Lane area. Looking at a 1-mile radius around that school, that is a rural area with very few existing sidewalks. Within that 1-mile radius, there are 29 miles of roads which do not have sidewalk. The impact for this single school for a sidewalk on one side is about \$27 million. To build a sidewalk on both sides would be about 50 percent added to that cost. That is our primary concern at this time.

Assemblyman Kirkpatrick:

A paved access for the kids to walk on is not going to be nearly as expensive, correct?

Jeffrey Foltz:

You do not put that up against the edge of the pavement. A walking path needs to be offset away from the edge of pavement. So, you are talking about not building curb and gutter, I assume?

Assemblywoman Kirkpatrick:

Yes.

Jeffrey Foltz:

The issue with that is that for this particular area, we have limited right-of-way; it is an old area. It is over 20 years old. The rights-of-way are about 50 feet wide. In order to build a paved path, you need a large setback from the edge of pavement, because you have to continue to have a drainage ditch next to the pavement. To maintain that drainage ditch, you need to get in there with a grader annually.

Assemblywoman Kirkpatrick:

I guess my question is whether it is just as expensive to build a paved access as opposed to sidewalk.

Jeffrey Foltz:

There are logistical problems with the right-of-way, and beyond that, the maintenance costs are considerably higher for asphalt than they would be for concrete. The initial cost would not be as much, but you have to factor in the additional right-of-way that would be needed, and I am not sure how we would deal with that.

Assemblyman Claborn:

Where would this funding come from, and who would pay? Would it come from the State, the city, the county, or the property owners?

Jeffrey Foltz:

I am sorry; I cannot answer that. I do not know.

Assemblywoman Parnell:

Let's look at Minden, or an area in Douglas County, or anywhere in the state where we have a huge new development of homes. We have a couple of builders that come in, they buy a lot of land, and create a new development area. Let's say there are young families—out in Lyon County would be a good example—creating the need for an elementary school down the road. Is there any discussion at any point in the planning process that if we have all of these families moving into a dense area, we will probably need a school, and because of that, in our design plan, are we going to set aside areas for asphalt walkways

to get to that school? It seems this is a reasonable way to approach it. It certainly is not going to take care of past developments and schools that are built that have problems, but at some point in time, we need to stop and say that we continue to be the fastest-growing state, that this is going to happen, and that we have areas that are going to be greatly impacted, such as some of our Lyon County neighborhoods. What are we doing to plan ahead and solve this problem before it becomes one?

Daniel Holler, County Manager, Douglas County, Nevada:

The issue just discussed by Assemblywoman Parnell is very real for us. We have two different large developments coming in. We are actually looking at identifying school sites and going through the planning process. I believe that in both of these areas, we are looking at urban standards with curbs, gutters, and sidewalks. We have some other areas where we are looking at how to create that safe route to school. It may or may not be on the street in some cases. It may be through some other pathways and things of that nature. I think that key issue is how you create those safe routes into school. We are looking at that. We also have some of these schools that butt up against public lands or agricultural lands which may or may not be developed in the future. We would have to look at some future issues that way. In terms of the new schools and locating them within a developed area, at this point I would say that we are looking at having the type of urban amenities that would provide the sidewalks going in. With most of the other concerns that have been raised we are willing to work on the amendments and look at those issues. Future planning is a lot easier than what we are working with today with a number of schools. As Mr. Foltz mentioned, it would be extremely expensive to go back in and retrofit sidewalks.

As we go forward with new planning, I think the issue that we would be looking at is having sidewalks in there. The only change would be that if a residential neighborhood came in and said, "We don't want sidewalks. We don't want paved roads. We want to be rural." We have actually had residents complain before about us paving a road. They want dirt roads; that is why they move to some areas. We do have some challenges in those types of areas.

In one particular area, we went through and put in the asphalt path and put it down a side of the highway to address the exact issue that is being addressed here. This was off of Jacks Valley Road in Douglas County. It is utilized, and we did it for the safety of the kids. We think that it is an appropriate issue to look at and ask, "How do you provide those safe routes to our schools?" We do have the concerns that some of our schools are on NDOT highways. We will be working with NDOT in a couple of areas.

[Daniel Holler, continued.] The other issues that we are concerned with have been addressed, such as the maintenance and the snow removal. Kids are walking to school at 6:00 a.m. or 7:00 a.m. Residents have not gotten out and cleared off sidewalks, and county crews are not set up to do sidewalk maintenance. We are out doing highways, roads, and bus routes. You do have an issue with the weather and those types of things. The question of new schools versus existing schools is a valid one that needs to be discussed. How do we make the differences in there? One of the questions we had on the bill was the timing issue. If all this has to be built immediately, we will be out of compliance based on the funding issue. You would be looking at \$100 million worth of sidewalk work countywide to go into that type of a program. We do use enhancement funds from NDOT. Part of the one path I mentioned came from enhancement funds as an offset path to get to the residential area by federal land to a school. There are options there. Developing safe ways to school is critical, and we would be glad to be a participant in any type of discussion as to how to do that in a practical way. Running through the cost issues as a potential, you look at local government.

Lastly, the concern we have is the overlap of local governments, and this may be a little more unique to Douglas County. We will have a town, general improvement district, and the county that are all local government. With the 1-mile radius, you are dealing with at least two, if not three types of overlapping government, in terms of who has to build the sidewalk or how you coordinate it. That would be our challenge, working together that way. We would like to have the opportunity to review the amendments that have been presented. I think that they address a lot of the concerns that we have had on the front end. Again, we would be willing to look at the issue of how you get that safety incorporated into the planning process.

Assemblyman Claborn:

You mentioned these individuals that did not want any asphalt or the roads paved. Did they not want the roads, or just not be assessed for it?

Daniel Holler:

We have residents who have moved into Douglas County on a dirt road, because they want a rural lifestyle. They want a dirt road. It is not a matter of that they are paying for a dirt road or being assessed for one. It is the fact that they have moved here to live in a rural area, and they want a dirt road.

Assemblyman Claborn:

I have to pay for my own as well.

Cheri Edelman, Lobbying Team, City of Las Vegas, Nevada:

We are in opposition of A.B. 231. We have had a chance to review the proposed amendment by Assemblyman Atkinson, and although we thank Assemblyman Atkinson for trying to make this bill more palatable and clarifying many of the issues that we had with the original bill, we still do not believe that it addresses many of our concerns. As you know, this bill places the burden of constructing sidewalk adjacent to schools, within a 1-mile radius, wholly on local governments. Within the city of Las Vegas, there are currently 94 schools, including 59 elementary, 9 high schools, 15 middle schools, and 11 other Prime 6 or special schools.

The way this bill is currently written, a 1-mile radius could be several miles around a school to allow for sidewalks along any path and along any direction in which a child might be walking. As Assemblyman Atkinson said, the amendment does now say "on at least one side of the sidewalk," but he also said that as long as children are only walking on one side of the road. It does not clarify whether this requirement is along residential streets, collector streets, arterial streets, or all of the above. From my life outside of the legislative session, I am the Assistant City Engineer for the City of Las Vegas. When constructing sidewalks, we need to be concerned with making sure we meet ADA [Americans with Disabilities Act of 1990] requirements and making sure that they drain properly, so we do not create problems with flooding to adjacent or downstream properties.

This could potentially require a significant amount of design work and physical grading to accommodate this. If these sidewalks were permanent in nature, we would need to design the entire road grade significantly, in advance of our ability to construct the road, to make sure that it would drain properly since sidewalks abut the curb and gutter to provide for drainage along the road ways. Assuming that we only had one sidewalk along one side of the street, as was proposed in the amendment, we calculated that we would need approximately 161 miles of sidewalk to serve those 93 schools. That would be a five-foot sidewalk. The fiscal impact to construct this much concrete sidewalk is approximately \$33.5 million to the City of Las Vegas. If we were construct it out of asphalt, we are still talking about \$21.5 million plus the annual maintenance costs, which are higher for asphalt than for concrete. These dollars would be wasted taxpayers' dollars, as developers tear out the temporary improvements to construct their development projects.

These costs do not incorporate new traffic signals, school flashers that may be required, striping, signage, or the easements or right-of-way needed in order to provide those types of facilities along this path. Although the way the amendment has been written exempts local governments from this requirement

where we do not have the right-of-way or some other legal right to occupy the property, it will create sawtooth sidewalks, which are sidewalks that start and stop and do not connect to other sidewalks. Many of these sidewalks would lead to nowhere at the end of the mile.

[Cheri Edelman, continued.] There is no mechanism for local government to recoup their cost for temporary pavement, since we cannot assess property owners for temporary improvements that will be torn out later, which could result in millions of tax dollars wasted. If we were to construct permanent improvements and do some sort of refunding district, we would have to construct it in its final location until the ultimate design grades. This causes problems on vacant parcels, because many times those vacant parcels do not know where their drivers are going to be. We would need to tear out the sidewalk to put in street lights at a future date unless we went back and purchased right away, behind the sidewalk area, for those streetlights.

It is also possible that this sidewalk could get damaged during the construction of future street improvements or with their proposed developments. As many of you know, when development occurs on a vacant piece of property, we require, through the land entitlement process, that the developers and property owners construct sidewalks as well as their other offsite improvements. We would argue that in this case, the school district is the developer, and that this proposed legislation is serving their customers, i.e. the children, and that this responsibility should lie with them and not with local governments. The City currently has in place this Safe Route to School Program, which analyzes school locations, existing sidewalk locations, and new and existing housing locations.

The City already causes the construction of temporary sidewalks in areas where it is needed, and where we have the legal right to do so. Through negotiations, some of the cost of the sidewalk is borne by the city, some by the developers, and some by the school district. If a safe route cannot be made, we encourage the school district strongly to bus the children along that particular route. This proposal is too costly and it is an unfunded mandate, which is particularly crucial since our revenue resources are currently being reviewed and potentially significantly restricted during this legislative session.

For the reasons stated, we feel that this bill is unnecessary and does not have the necessary detail or funding needed to implement it, even with the proposed amendments. If this bill were to pass, we would request that it only apply to new schools and not be retroactive to existing schools.

Assemblyman Goicoechea:

School districts are local government, especially when it comes to school construction. Typically the DSA [Distributive School Account] does not fund construction.

Cheri Edelman:

We understand that, but the bill is not clear in specifying that they would be ultimately responsible for the cost of this, and that is why we are nervous.

Assemblyman Goicoechea:

Ultimately, all local government falls back on the taxpayer.

Assemblyman Atkinson:

I believe that you stated in your testimony that the City recognizes that this problem does exist around some schools.

Cheri Edelman:

Yes, we do.

Assemblyman Atkinson:

You also stated that the City has a safe path program in place, and I do applaud the City for that. I do not think that we are talking about where they have the safe paths, because you already recognized that this problem does exist. There was also talk about putting them in, because I do recognize that some of the properties are owned by other people, and some of the sidewalks will be put in when development is in. I guess what I was looking for in some of the testimony is that if you recognize the problem exists, what do you guys plan on doing about it? There was no testimony to that. If you do recognize it, and you recognize that there are not sidewalks near some of the schools, instead of taking a strong opposition, what is your plan, or what is the City's plan to address it? Is the answer nothing?

Cheri Edelman:

We do have a Safe Route to School Program, and we currently have two different procedures in which we handle new schools versus existing schools. We have entered into an interlocal agreement with the school district to require, through the land entitlement process and through their civil plans check, that they provide a safe route to school. The school district's definition of a safe route to school is that if there is flat land and it is easily able to be traveled across, they do not require the pavement.

However, if there are grading issues, ditches, or things like that, the City will actually require that the school district come out and put the temporary asphalt

paving in. If they cannot do that, again we encourage them to bus those children to school. When we do that, the City actually goes out there, pays for any of the asphalt, the striping, the signage, and all that, then the school district reimburses us through that interlocal agreement. In existing school districts, we do not have a mechanism to refund that. It is completely coming out of the city, or if the school district decides to rezone and now there are a whole different group of neighborhoods that are going to an existing school, we have no ability to recoup that money.

[Cheri Edelman, continued.] We are going back to those schools as the money is available to us, as we can, and as we see that there are problems. We are going back in there and retrofitting. Again, we are not putting asphalt pavement on the flat land, only where we see that there are problems, and we are doing striping and signage where we see that there is a problem. We are trying to address it as the money is available, and as we are aware that there are problems in a particular area.

Assemblywoman Parnell:

I have a question about school busing. I do not see anyone here from any of our school districts. I do not know if you can answer this. I am not aware of any school districts in this state that bus students who live less than a mile to the school. Can you clarify that for me?

Cheri Edelman:

Actually, there was a case in which there was an apartment complex about 600 feet away from a school, and there was a channel in between. The kids were climbing the fence and going through the channel and then going to the school. The City and the school district got together; the school district requested that we build a bridge across the channel. Of course, the funding was tremendous for that, and we did not want to do that as the local government, so we discussed it with the school district, and the school district actually buses those children now that are only 600 feet away from the school. In those cases where we think there is a real dangerous problem, we have met with the school district. We try to work out those issues, even if it is less than the 1-mile or 2-mile radius that is required. We have a great concern for the children in our city, and we want to do what is right. We are working together with the school district, and that is why we do not think that this legislation is necessary.

Vice Chairwoman Pierce:

I am dazzled by the amounts of money that this would cost, but I am also reminded of the fact that often when we talk about knowing the cost of things, we really don't. We have an epidemic of childhood obesity in our country, which is going to lead to an epidemic in one of the types of diabetes. There are

lots of studies that say that when children are encouraged to get outside and walk, this might help that. I think, personally, that the price tag on the epidemic of diabetes is going to make these numbers that we are hearing this morning look paltry.

Assemblyman Hardy:

It seems to me that this is a density issue and that a population cap may be in order. Have those entities that have had the identified problem that Assemblyman Atkinson is addressing specifically been targeted, and do we have a plan to fix those specific areas forthwith with some kind of plan in place, or have we not worked with the sponsor enough to identify those particular places?

Cheri Edelman:

We have not worked with the Assemblyman. We would be more than willing to go back and work on those targeted areas. Again, we have been putting forth the funding to try to work on those problem areas and perhaps we just were not aware of those particular schools in his district that are problematic. We would be more than willing to do that.

John Flansberg, Deputy City Engineer, Development Services Department, Carson City, Nevada:

What I have heard here this morning is basically that one size does not seem to fit all. I appreciate Assemblyman Hardy's comments on the density issue. We have some schools that are located 2 or 3 tenths of a mile from a rural section where we have one-half acre or 1 acre lots. We do not require curbs, gutters, or sidewalks in that less dense area. However, on the other two or three sides of the school, it is very dense, and so we do have curbs, gutters, and sidewalks in those areas. The Carson area was recently designated as a small urban metropolitan planning organization. For Washoe County, RTC [Regional Transportation Commission] is the metropolitan planning organization, and Clark County RTC is the metropolitan organization for Clark County. The Carson area's metropolitan organization is different in that it includes the northern portion of Douglas County and a small piece of Lyon County on our eastern border, or the western portion of Lyon County.

We are in the process of developing a pedestrian master plan. It just went out for proposal. One of the items that will be out on that pedestrian plan is looking at the connectivity of our city. What we are looking at here is that different communities are in different stages of development. We have some communities that are growing extremely fast. We have not had a new school in Carson City built for about a decade. It is a little bit different here.

[John Flansberg, continued.] We have had some communities go in, and we have requirements as to what their zoning is for, and whether they have curbs, gutters, or sidewalks. As we looked at our town, we took three worst-case schools and what would be required if we had to follow through with this. It was going to be over \$13 million. Looking at the rest of the schools we have, and factoring in those that are not going to be quite so bad, we are looking at an excess of \$30 million for providing those kinds of transportation facilities. Some of those areas may not be the best areas to place those sidewalks.

What we look at in transportation master planning is that connectivity issue. We want to make sure that we have a backbone. It is kind of like planning for your highways. You want that arterial and you want those connector streets going off the arterials, and then you have your local roads going off of those, so you bring them into the school. That is the same kind of thing we are looking at here. I do not think that one size fits all. I would be more than happy to work with Assemblyman Atkinson and others on this bill to see if we cannot make some of those items fit, as we look at these different areas of development that our communities are in.

Assemblywoman Kirkpatrick:

Most times that they come in with the building permit to build something, is it not true that a traffic study is required?

John Flansberg:

True. Based on the size of the development, it may require a traffic study. For instance, a school going in should require a traffic study for sure. Smaller developments, such as a small one-acre light industrial operation, probably would not have that requirement. On the larger-size developments, I do not know how many acres that would include, but certainly a school would be one of those.

Assemblywoman Kirkpatrick:

You would think that when a traffic study came in, you would know about what traffic is going to be in the area. If there is a school, you are going to know that that is going to show up on your traffic study as well, if there is something within the area. It is going to warrant stop signs and traffic lights, depending upon what your development is. So, I am wondering why we are not planning ahead, knowing what our traffic is going to be—whether we are going to have 10,000 trips per day or 20,000 trips per day—knowing that there needs to be some type of path. I am not going to walk down a 120 foot right-of-way without a sidewalk myself, so I could not imagine sending a bunch of 6-year-olds down that street. I am wondering why the local entities do not make it part of the school district's responsibilities to address that in their initial site plan.

John Flansberg:

As I stated, Carson City has not built a new school in about 10 years. One of the last two built was in the middle of a fairly urban area, and so there are curbs, gutters, paths, and sidewalks. In this particular subdivision, we opted for not having sidewalks on both sides of the roads, instead having a nice wide sidewalk on one side of the road. You are absolutely correct that cities, in their development standards, should require those kinds of things, so that when this property is developed, those things are put in place. That does happen through our commercial, industrial, and even residential development. It also depends on what the zoning is.

An inflexible engineer is going to put a dot down and draw a 1-mile radius, saying that everything in there has to be covered. It may not fit that situation because of the zoning. When you get out in this area, it is more of a rural area, and you have fewer homes and a lot less children in that particular area coming in. Around the school, and maybe one area off to the east or west, might have a lot more density, and yet you would want those kinds of facilities in place.

Assemblywoman Parnell:

When we did the wonderful pathway between Eagle Valley Middle School and Empire Elementary School, who paid for that? Was that total City cost or was it in conjunction with the school district? I am curious, because that has received nothing but raves.

John Flansberg:

Staff worked with the Carson City School District. They had an issue, because they were actually busing closer than the 1-mile radius, because they did not have a safe route to that school. As far as funding goes, it was a combination of Carson City School District funds, savings that they received from not having to bus, and part of the Carson City Parks and Recreation, because this would have to be for more than just school, and because of the recreational purpose. The street maintenance also had a portion for some of the drainage that was required to put that in. It was a combination. It was just the kind of cooperative effort that you would want to have.

Andrew List, Executive Director, Nevada Association of Counties:

I would like to thank Mr. Atkinson for bringing this issue forward. Certainly, at least in his district, this is an important issue that needs to be addressed. The question is whether or not this bill is the way to address the issue in that particular area of the state. As to some of the impacts on the other jurisdictions—especially some of the smaller entities—you have heard what the costs of this bill would be. We have not brought up yet some of our smallest entities in the state.

[Andrew List, continued.] I spoke with one of the commissioners from Esmeralda County; they have a small school in Goldfield. Goldfield is exactly 1 square mile. This bill would require, as drafted, sidewalks in the entire town. Some of those roads are dirt roads at present and would require curbs and gutters. The same thing would occur in Mineral County. The city of Hawthorne is exactly 1 square mile, and it would cause sidewalks to be constructed in the entire town of Hawthorne. From the standpoint of the Nevada Association of Counties, we think that this is a local government issue and should be at the local government level, rather than a statewide bill.

You have heard from the City of Sparks, the City of Las Vegas, and Carson City as to some of their efforts to address the pedestrian issue and the safety of schoolchildren who are walking to and from the schools. I would like to applaud those efforts. I think those are good efforts. I think that those are the sorts of efforts that we need to duplicate in North Las Vegas and in Mr. Atkinson's district. Hopefully, the local governments can come to a solution without this bill being passed. We do think that this is a local government issue and should be addressed at the local government level.

Kimberly McDonald, M.P.A., Special Projects Analyst and Lead Lobbyist, City of North Las Vegas, Nevada:

Public safety is a paramount concern to our city and, certainly, the health and welfare for all of our citizens, our seniors, and our children. We are also very concerned about this issue, and in fact, I believe that we are studying safe walking paths for our children as well. Some of these issues that Assemblyman Atkinson, the sponsor of A.B. 231, has proposed, we have only just recently been informed about. We do have concerns about this bill, but again, we share the concern for public safety. I just want to go on the record briefly citing those concerns.

It is an unfunded mandate, of course, and would be very difficult to implement in terms that we do not own all the public right-of-ways. We also do not have jurisdiction over other entities, such as the county. We do have county islands in North Las Vegas. There would also be very big infrastructure concerns—power, cable, all of those things—that we would have to address as well. The projected cost to the City to implement approximately 100 miles of non-curvilinear streets would be \$25 million, and another \$1.5 million to just maintain that.

[Kimberly McDonald, continued.] We are also a little concerned about the precedent that this might set. This could also extend to private properties as well, within that 1-mile range. We would like to encourage, perhaps, that this could go into a work session and work with the bill sponsor. We certainly

believe that the school district is a big factor in this, and hopefully, we can come to some type of an agreement or a resolution on this. We would definitely like to work with Mr. Atkinson.

Assemblywoman Kirkpatrick:

As far as the Eva Simmons School is concerned, I believe that there is a condition under the public works conditions for that school to be required to have a safe trail access. I served on the planning commission, and if you remember back to when Eva Simmons School opened 10 years ago, we had no safe access for our kids to go to school at the time. We went to the city council and worked with them to provide safe access, because there was so much rural area out there, they had asphalt paths along the major streets to get the kids all be walking in the same direction.

As far as the Eva Simmons School, I am 99 percent sure that there is already a condition for the Clark County School District on their site plan review to provide some type of paved access for the kids to walk, because of the way the school was situated. We might go back to look at that, as well as with Priest Elementary School. There was the same condition, because I believe that North Las Vegas was stepping up to the plate and telling Clark County School District that they needed to help provide for this, because we had so much new development coming in rural areas that did not require sidewalks.

I also believe that part of that condition was that if the Clark County School District could not provide a safe walking path that was paved, that they would have to provide transportation. That was an incentive for the Clark County School District at the time to find a paved access—as opposed to transportation—because it was a lot more expensive. I think that Mr. Atkinson is going in the right direction. Because it addresses most of North Las Vegas, we should probably go back and look at those conditions and see why the school district was not made to put those in.

Kimberly McDonald:

We would certainly be very open and receptive to again bringing the school district to the table and seeking a resolution for this.

Assemblyman Christensen:

I wanted to share a thought for those in county and city government. As I first met with Assemblyman Atkinson on the bill, my first thought was, how is this paid for? I like the bill and cosponsored the bill, because it has definitely merited this level of involvement. Look at the exchange that we have had here in this Committee this morning. Just sitting here, I cannot think of anything worse than a child getting hurt. There is nothing worse than that. As a father of four, I am

sitting here trying to think of how I can be looking out for my kids, and as I look out for my kids, I am looking out for everybody else's kids, and that is part of our job. Paying for this is obviously an issue.

[Assemblyman Christensen, continued.] I am sitting here thinking this through, about some of the schools in my district and some of the PTOs [parent teacher organizations] that call me, saying, "We need a stop sign here, because kids are having to cross these roads." I know that this is a big issue, and so I think of it in the terms that this is a cultural issue as well, especially in a state growing as fast as Nevada, and the districts that Assemblyman Atkinson and I represent where so much of this is going on. It is in our face every day, where schools are just going up all over the place.

Thinking through what I have seen when I have gone out to observe the places parents have asked me to go out and observe—particularly a stop sign or crosswalk issue—what I saw was so prevalent to me was that the issue was the worst right around the school. As we dive into this and look into the future as we set goals and see that they are paid for, and how it ties into city, county, and school district planning, maybe we can at least come to some decisions as to what we can do right around the school, where I see the biggest issue is. If a mile is too far, what can we do to shorten it? It is kind of like everybody driving into New York City through a funnel. The marble's rotation is a lot tighter right at the bottom of the funnel, right before it drops out of the bottom.

It is the block or two away from the school where the kids are getting together. We all know that young kids, especially my little kids, lack judgment when it comes to crossing a street or knowing what pain is, because they have not been hit. What can we do to make sure, as we work with the bill's sponsor, that at least right there around the school that we are addressing a significant issue? If the funding is as big an issue as it seems to be, I want to make sure that I am pledging support to the bill's sponsor, and I also want to make sure that we are taking a look at this so that in this session, we are able to address it.

Dan Musgrove, Director of Intergovernmental Relations, Office of the County Manager, Clark County, Nevada:

I am also representing today the Southern Nevada Regional Planning Coalition. I do not know why I didn't think of this sooner, and I apologize both to the sponsor of the bill and this Committee: sometimes, we get so caught up in the mechanics of what the bill could effectively do to us, we did not look at it from the very basic question that Mr. Atkinson asked. How do we fix this problem? I think that the Southern Nevada Regional Planning Coalition could easily take this on as a task in southern Nevada. The school district sits as a member of that

board, as does every local government. There are also representatives of the Regional Transportation Commission.

[Dan Musgrove, continued.] I think that this would be a very important issue to take to our technical committee, so that they can then begin a plan of taking it in front of the board that is made up of elected officials from all over the region in Clark County. That is obviously on behalf of Clark County. We would be very happy to take this on as an initiative to come up with some solutions that we can go forward with and work together on, in planning how we look to the future in taking care of our kids, as schools and neighborhoods get built.

My testimony was only going to be repetitive in some of those things that other counties have talked about in terms of the rural preservation. I think that we need to get beyond that and talk about how we go forward. I would like to make that offer to the Assemblymen.

David Fraser, Executive Director, Nevada League of Cities and Municipalities:

I am here on behalf of the League opposing this bill, but let me say that we commend Mr. Atkinson's intent and support his goals and objectives with regard to the safety of school children. With that, we would also be very pleased to be involved in helping to work out solutions to this. We also echo what was said just previously, that all of those involved, including local governments, which have already indicated a willingness to be helpful, school districts, and any others that may be impacted, will also be appropriately part of that discussion.

I will just mention that a lot of my concern came before Mr. Claborn asked whether this involved new construction or retrofitting all existing schools, and Mr. Atkinson's affirmative response to that is helpful in terms of our opinion. Testimony has been given by some of the jurisdictions about the impact in their community. Let me just point out what, for two of our smaller communities, this impact might be. Using the City of Las Vegas' figure of \$38 million, it would equate to \$408,000 per school, which would be a conservative figure, because it would be in an urbanized area where many sidewalks currently exist.

You heard Douglas County testify that, for Pinion Hills Elementary School, which is in a rural area, it would cost about \$27 million to do this. If we just use that most conservative number of \$408,000 per school, that means for the city of Carlin, which only has one school complex in their 9 square miles of community, it would cost them over \$400,000. Their general fund budget is only \$1.1 million. That would equate to 37 percent of their annual general fund budget if they were responsible to do this.

[David Fraser, continued.] The City of Lovelock has four schools. Two are in the center of town, and two are at the edge. I am not sure if those two toward the edge of town are together or at different edges of town, but they have a 10 square-mile incorporated area. If those were just in two individual clusters—in other words, if each of those were together—given their general fund budget of \$1 million, if they were responsible for this, it would cost them, conservatively, over \$800 million, which would be 80 percent of their general fund budget. Again, I know that the Committee is already impressed with the cost that this bill might provide, but there is real concern about what the cost is and where the money might come from.

The League of Cities strongly affirms the need for pedestrian safety, especially for children. Before accepting this position with the League of Cities, I was the city manager in 3 different communities, and I can tell you from my personal experience, in every one of those cases, pedestrian safety, especially that of children, was of utmost importance, not only at the staff level, but at the council level. I offer our involvement in the conversation as it progresses.

Assemblyman Claborn:

Will the funding come from the state, city, county, or property owners?

David Fraser:

I have that same question. I am sorry that I cannot provide the answer.

Carole Vilardo, President, Nevada Taxpayers Association:

I am not ambiguous. I do think that the safety of pedestrians is important, period. I wanted to point out a couple of things in the other bill, looking at the amended version now. Mr. Claborn has asked who will pay for this. Ultimately, it is going to be the taxpayer. One of the concerns that I have, given the current situation, and the reason I believe it will be the taxpayer, is that with the actions taken on A.B. 489, the revenue available is restricted to local governments—I am not saying that it is wrong when you restrict them—but putting this mandate on them at the time when the revenue is not going to increase to the level it otherwise would is going to mean that, as the bill is written, somebody will have to pay for it.

On the bill and the amendment, if you go to what is Section 3, subsection 3, it speaks to two issues. The first is that the local governing body may require the owner of the property to maintain, reconstruct, and repair a sidewalk that abuts his property. At a period of restricted revenue for the local government, I have to tell you that I believe that is exactly what is going to happen. You will be requiring the owner of that property to pay for those repairs. Because we are talking about new construction, eventually you would have that repair.

[Carole Vilardo, continued.] The way the bill was originally drafted, you do allow the governing body to impose an assessment on that property. Again, I submit to you that I think that is going to be the first course of action that we have. That concerns me. It concerns me because of the assessment against property. You have all heard from your constituents, which is why A.B. 489 was passed. The constituents want property tax relief, which you have given, but it is like giving with one hand and then taking away with the other.

I appreciate some of the comments that I heard here this morning, including shortening the distances, but I urge that when you are getting involved with this issue, please remember that we have to balance what you just did against the potential funding needs, which would turn around and come back on the taxpayers. I would also want to make sure that if you did use this provision for special assessments, you would make sure that we do have the severe economic provision in place within the bill. This could be very costly as you go down, with these older people with fixed incomes staying in their homes. This has a very long life to it with repair, reconstruction, et cetera.

Assemblyman Claborn:

My question has been answered. Is the funding going to come from the state, county, city, or the property owner? I think my question has been answered finally.

Assemblyman Atkinson:

I do want to thank Mr. Musgrove from Clark County, because I think that he hit the crux of what I was attempting to do with this bill. I wanted to get some healthy debate going on how to rectify a problem that I believe exists, that other entities have stepped up to the table and recognize exist as well. As I look around this room, I see so many people who came up here and wanted to talk about cost and what it would take to fund this, but I heard very few people come to the table and talk about how to fix the problem.

I will have to admit that it is a little disturbing to me; when it comes to cost and our children's safety, I won't compromise. I think that it is something that we have to do. Ms. Vilardo talked about who is going to pay for it. I know the local government entities will have to pitch in and bear that cost, and if that equates to taxpayer dollars being spent on it, I think that it is a good use of taxpayer dollars. We do a lot up here at the Legislature that does cost taxpayers dollars, and in my opinion, some of the things are not great things. This is a great use of taxpayer dollars.

Ms. Vilardo talked a lot about A.B. 489. I do not think that A.B. 489 has passed yet. I know that we still have a lot of debate and a lot to do with that as well.

For the record, Madam Chairwoman and Committee members, I do recognize that the bill still has some work, and it may be sent to a subcommittee, and I am willing to work with whoever wants to step up to the table and help work on this bill. I just think that we need a few people to help us work this out. I do again appreciate Mr. Musgrove's comments, because he did offer some type of solution and some type of help for the children for safe walking paths to and from school.

[Assemblyman Atkinson, continued.] Someone said that it is not a good time, that we have taxes going, but when is a good time to fix this problem? Is it going to be a good time when another kid is killed? I am not going to wait for that. I know that I sound passionate about this bill, because I am. I will not compromise on our children's safety.

Vice Chairwoman Pierce:

I will now close the hearing on A.B. 231 and open the hearing on A.B. 482.

Assembly Bill 482: Revises provisions relating to county clerks. (BDR 20-1336)

Dan Musgrove, Director of Intergovernmental Relations, Office of the County Manager, Clark County, Nevada:

[Submitted [Exhibit H](#).] I am in a unique position in that I answer directly to the Board of County Commissioners and the Clark County Manager. They are the ones who give me my direction. As you well know, Clark County has certain constitutional officers who are separately elected and perform very important functions for the residents of Clark County. In fact, across the state, in each county, there are those same elected officials. I think that this session, we have learned more about what the assessor does than in any other session that we care to remember. We have the public administrator, we have the treasurer, who collects the taxes on a local basis, and we also have the clerk and the recorder.

One of the things that our Board of County Commissioners and our County Manager, Thom Reilly, has done since he came onboard in 2001, was to look at the fundamental, organizational, and resource reviews that we can do to make things better for the citizens. We look at operational efficiencies, and we look at resource allocations. What is the best way to effectively deliver service to our constituents?

I want to applaud the efforts of our county clerk, Shirley Parraguirre, who is in the office in Las Vegas. Her deputy clerk, Diana Alba, is in the audience, and I

am going to ask her to come forward for us to talk about our idea in terms of combining the obtaining and recording of marriage certificates. I want you to understand that this bill that we put before you today is enabling only. All it does is allow each county commission to make the best decision as to what is best for their constituents in their respective counties.

[Dan Musgrove, continued.] In Clark County, we believe that with the volume and the mass of weddings that we do and certificates that we issue, it would be best contained in one office, that being the county clerk. Ms. Alba will provide testimony as to how the clerk believes that this would be the best thing for not only our local residents, but the hundreds of thousands of folks who come to Clark County to get married, and then in the future need copies of their marriage certificates.

Diana Alba, Assistant County Clerk, Office of the County Clerk, Clark County, Nevada:

I am here to speak in favor of A.B. 482. I will give you a brief overview of the process. When a couple decides to get married in the state of Nevada, the first thing that they do is go to the county clerk's office to obtain a marriage license. A couple may hold a marriage license for up to a year before actually getting married. The marriage license is simply just authorization for a marriage ceremony. After the wedding takes place, the minister or justice of the peace—whoever performed the ceremony—completes the Certificate of Marriage and, within 10 days, submits it to the County Recorder's office. A copy of the recorded Certificate of Marriage provides proof that the couple is married. Couples need copies of this certificate for reasons such as being added to their spouse's major medical insurance or obtaining military benefits.

Assembly Bill 482 improves this process in a number of ways. Since the couple obtains the license from the county clerk, it is logical that they would return to the clerk to obtain proof that the marriage took place. In 2004, our office issued over 128,000 marriage licenses. Many of those individuals—including some living within the state of Nevada, as well as many across the country and even around the world—are confused by a process that requires that they contact two separate government agencies; the first to get a marriage license, and then a second agency to obtain proof that they actually got married.

Each month, the Clark County Clerk's Office receives more than 500 phone calls and 200 letters, not to mention numerous hits on our website, from individuals seeking help in navigating through this process. If the certificate was filed with the clerk, we could offer the couple the option of ordering their certified copies of their Certificate of Marriage at the time that they obtain their

license. The couple could pay in advance, and as soon as the certificate was filed, we would automatically mail their copies to them.

[Diana Alba, continued.] A few weeks ago, the Clark County Recorder's Office did approach our office about the possibility of partnering together on a specialized computer program that would facilitate this process between the departments. Although that would be a positive forward step, it really does not resolve the root cause of the problem. In addition to issuing marriage licenses, many folks do not realize that the county clerk also issues certificates of permission to perform marriages to ministers who wish to perform weddings as part of their ministry. Each month, we receive a handful of complaints regarding ministers who may not have recorded a marriage certificate in a timely fashion. Currently, we have limited ability to do anything with these complaints.

Assembly Bill 482 would put us in a better position to monitor the ministers and assure that they fulfill their statutory responsibility by timely filing their certificates. I think it is key to remember that, as Mr. Musgrove said, A.B. 482 provides that this be a county option. Early in the year, our office contacted our fellow county clerks throughout the state about this proposed change. The majority of responses that we received indicated the clerks had no problem with it as long as it was a county option. Several of the clerks acknowledged that different counties have very different needs. In fact, one clerk stated that she issued an average of one marriage license per week last year, while in Clark County we averaged over 2,500.

I think it is important to note that this bill is not about who would do a better job, the clerk or the recorder. This bill is about simplifying government and providing convenience and service to the public. A minister obtains permission to perform marriages from the county clerk. A couple obtains their marriage license from the county clerk. It is logical that individuals return to the county clerk to obtain copies of their certificates of marriage.

A few issues have been raised in the discussion that mostly have to do with implementation, processes, and procedures, such as where people go, whether the ministers have to wait in line, what hours we would be open, and how we would do a transfer of existing marriage records. I think those are all things that need to be handled on the local level, if a particular county decides to put this in place. As far as Clark County goes, we are confident that we will have ample room. We have been assured that we will have staff, and we have talked to the county about the transfer of existing records. We are confident that implementation can be done.

[Diana Alba, continued.] If A.B. 482 passes, the final decision is not going to rest with either the county clerk's office or the county recorder. It will be up to each board of county commissioners to decide how they can best provide services to couples who marry in their county. Clearly, a one-stop-shop approach is simpler, it is more user-friendly, and it benefits everybody. I encourage support of A.B. 482.

Assemblyman McCleary:

Does the county recorder support the bill?

Diana Alba:

It is my understanding that she does not, but she is present today and I believe that she may speak for herself.

Assemblyman Sibley:

As I understand this, we are going to be streamlining the operations. Yet, in Section 5, they are adding for an additional \$3 fee to the issuance of a marriage license. That is a 30 percent increase. If we are streamlining something, I do not understand why there is a 30 percent fee increase.

Diana Alba:

I was actually a little surprised to see that myself. In the language that we submitted to LCB [Legislative Counsel Bureau], that fee was not there, so I am not quite sure what the source of that was. Currently, that fee is not in existing statute; you are correct.

Dan Musgrove:

It was not our intent that this would be a cost for the citizens at all. I guess that in the drafting, LCB added it. The language that we submitted was very, very simple. I do think that there would be cause for us to ask that the Committee amend this out.

Vice Chairwoman Pierce:

You would be okay with the Committee amending this out?

Dan Musgrove:

I would yield to our county clerk on that first to make sure that they do not have a problem with that, but it was not our intent that this would now cost citizens more money. What we are trying to do is make this easier for citizens and not impose an additional fee upon them.

Assemblyman Hardy:

If there is a \$3 fee now in the recorder's office, this would now be a \$3 fee to the clerk's office. If there is a fee to the recorder's office to do something, I am sure that when you get a copy of your certificate, they probably ask you to pay for that copy in some way. If they don't, that is a good deal, and why would we want to change that? If there is an increase in money, then obviously there is an issue there.

Diana Alba:

There is currently a fee for obtaining a marriage certificate from the recorder's office. The recorder's office does have a special technology fee for certain documents, and marriage certificates are not currently included in that. That is my understanding, and Ms. Deane can address that more specifically. I did copy the statute, but I do not have it here at the table with me. Ms. Parraguirre just mentioned to me that we do not have any opposition to amending the fee out. As I said, it was not in our original request. I am not quite sure where it came from. Maybe in copying some of the language in NRS 247—the recorder statute—LCB just included that, not realizing that the current fee does not apply to marriage certificates. That particular \$3 fee applies to other documents in the recorder's office.

Assemblyman Sibley:

In Section 10, paragraph 3, it says "make the records maintained available for public inspection during regular business hours." Is this going to be available in the same format that the recorder's office is currently providing? I think that they do it in microfilm.

Diana Alba:

I would assume that we would have a similar process in place. We currently are the record keepers for district court and have records stored permanently on microfilm. We also have digitized images of records. I think that that is an operational process issue. We are very experienced at record keeping and I am confident that we can come up with something that will meet the qualifications of the statute, and the needs of the public.

Dan Musgrove:

Again, as this Committee is very well aware, counties cannot begin any kind of process in this vein unless we come to the Legislature to get your express permission to do so. Because we believe that this is something that would be best going forward, and looking at it and trying to establish a procedure to make this better for the citizens—that it is enabling—it will allow us to put together a process and a format. We simply ask for the ability to begin this process, that is why it is enabling and that is why other counties choose not to do it. In

Clark County, we would like this option to go forward, to begin this merging of these two offices as it related to marriage license certificates only, so that we can make it better for our citizens.

Reverend George Cotton, Minister, Shalimar Wedding Chapel, Las Vegas, Nevada:

I wanted to speak in favor of the bill, and I also retired from Clark County several years ago. By having a one-stop place for people to go to, it makes it a lot easier for the couples. We have to spend a lot of time explaining, particularly to foreign nationals, how to get from where they are to the recorder's office, which is in a separate location. This would allow them to get their certified copies, which a lot of them require for their countries, when they get their license. A lot of the weddings are done on the weekend. The licenses are obtained in the middle of the night on a Friday or Saturday. They can take care of all those things at that one step. It would make it a lot easier for us having to go and file the licenses with the other places. I have no reflection upon the clerk's office or the recorder's office. I think that they both have very fine employees. I just think that it would be a good idea to allow the people who get the licenses to not be confused by having to go to several different locations to get the certificates certified and picked up.

Assemblyman Hardy:

It is my understanding that you do not have to go to the recorder's office to get the certificate. You can send for it. Am I correct?

George Cotton:

If they want a certified copy, they have to either mail it in or they can physically go there, but from the standpoint of the ministers, we have to go to the government center to file it. A lot of times people are in town, have a military issue, have orders, have to be a certain place, need a certified copy, and they have to get it before they leave Las Vegas. If they are from Germany, they need an apostille, so they have to get that process going before they return to the country, so they have to physically get the license at the county courthouse, then we have to give them directions to get to the government center's second floor to get the certified copy. We experience that several times a week, because we do a lot of foreign nationals in our chapels.

Assemblyman Hardy:

I am trying to get the logistics of this. A couple comes in from Germany, goes to the recorder's office, gets an application to get married, goes to a chapel or a place that does marriages, and gets married, and then the pastor, reverend, or bishop sends, traditionally, the license in with his signature and witnesses. But, what you are saying is that the pastor takes that to the recorder's office with

the couple in tow, and the couple then stands there and waits for the recorder to certify that certificate?

George Cotton:

No, sir. What happens is that we have 10 days to file the license, but a lot of times people need something right away. We generally file our licenses with the recorder's office. I take mine in every Monday or Wednesday. Then, if a couple needs to get a certified copy, we will take it down sooner. You cannot get a certified copy until the license is filed. If they can order one and pay for it in advance, they still have to go to the recorder's office to do so. The recorder's office is in the Clark County government center; the licenses are obtained in the clerk's Marriage Bureau at the courthouse at 200 South Third Street. So, there is a logistical problem explaining to people who are not from Las Vegas how to get from point to point. This is something that would make it a lot easier for them—and for us, for that matter.

Assemblyman Hardy:

Either way, after a person gets married, the pastor has to send the license, either by mail or personally, to the recorder's office, and the recorder then has to prepare it, and the couple has to go either to the recorder's office or the clerk's office. Either way, they have to go somewhere to get the certified copy expeditiously. The only difference is the directions to where they go, because they are in rather close proximity, as I understand it, to the courthouse and the government center. Am I mistaken in that?

George Cotton:

They are in close proximity if you know Las Vegas. A lot of people do not know Las Vegas when they are here. I am talking about people who are from out of town or from another country. From the standpoint of the licensing, if the clerk can issue the certified copy and they can pay that at the time that they get the license, then the people do not have to go to the recorder's office. For us, we have to file it with the county entity, so it doesn't really matter whether it is the recorder or the clerk. We have to do that anyway. For the people who are getting the license, the customers, it helps them get it all done at one point.

Dan Musgrove:

In Ms. Alba's testimony, she talked about the fact that this was complicated, and this line of questioning just points out how complicated the issue is for the average citizen, let alone someone who is in our country—perhaps for the first time—going to get married. One of the things that we intend to do, when they get that marriage license from the clerk, is to tell them how they can obtain their copy right then through the clerk's office. Someone who knows that they need an immediate copy will probably go ahead and use that service to

purchase their copy in advance. Then they do not have to worry about which office they go to afterwards. Then we also have the ability, because we have issued the marriage license, to keep track of those certificates that are out there that are, perhaps, not being filed.

[Dan Musgrove, continued.] The perfect example I hate to bring up is the Britney Spears issue, where she did not realize that it had not been recorded. It turned out in her favor, but for folks who want their marriage license recorded, it does cause some problems. We think that in one office, those questions that Dr. Hardy pushed to get answers to will be absolved. You would not have to worry about where it goes, where you come from, or who you deliver it to. It would all be in one place. We think that in Clark County that would work really, really well.

Charlotte Richards, Owner, Little White Wedding Chapel, Las Vegas, Nevada:

I approved of A.B. 482. The government building is only open during the week from 8:00 a.m. to 4:30 p.m., while the Marriage Bureau is open from 8:00 a.m. until midnight during the week. On weekends and holidays, it is open 24 hours per day. Should there be people who come from foreign countries and people who are military, if they get their orders and they have to leave within 2 or 3 days, it is very important that they get their certified copy immediately, because they are leaving behind a wife and family and have to report for service. I am the one who performed the Britney Spears marriage, so I understand about having 10 days to file a marriage certificate. It did make it complicated for her, because it was not filed within those 10 days.

Normally what I do as an owner of a wedding chapel, and as a minister that performs marriages, is compile all the marriages that we do and turn them all in once and twice a week, usually on Mondays and Thursdays. Nevada is the marriage capital of the world, and as has been stated, we are doing over 120,000 marriages in Clark County alone. I think that says something about the destination of Las Vegas. Convenience is the most important part of our world today. We have people who come from China and Japan, and they do not speak English. We have people in the clerk's office who can speak these different languages and have the proper papers and documents for them so that they understand where and what they are filling out, which I feel is very important.

If they go to the recorder's office, it is pretty difficult for them to stand there and not really know what they are doing. I think the convenience of having it all done in one place is not only a paper trail saver, but it is a postage saver. I believe that it will increase the revenue of Clark County, because it can all be done right there in one place.

Frances Deane, County Recorder, Clark County Recorder's Office, Clark County, Nevada:

[Submitted [Exhibit I](#) and [Exhibit J](#).] I am here today in opposition to A.B. 482. I would like to make my statement and then make the experts on my staff available to answer any of your questions. Yesterday, I called as many wedding chapels as I possibly could to find out if the wedding industry, as a whole, supported this bill. I found that the majority of them were not in favor of this bill. They posed various objections that ranged from parking issues to the lack of customer service already given to them by the clerk's office. It seemed incredible to them that the clerk thought she could improve the customer service levels there and take on yet more responsibility. These chapels expressed to me that they would prefer that things be left the way they are.

The recorder's office has been recording and archiving documents since 1990. I note that the laws reflect that the clerk files documents in their statutes, while the recorder's statutes state record. We record, on the average, 500 marriages a day. We have hundreds of requests daily for certified copies of marriage certificates as well. Our turnaround time averages 5 business days after the certificate has been recorded for mailed-in requests, and our wait time is less than 15 minutes when the request is made in person.

My staff is complimented regularly—in writing, from the public—for their strong customer service skills. The clerk supports her position with the concept of one-stop shopping. There are several flaws in this. First, the process requires you to get a license, and there were approximately 128,000 of them issued last year. Second, you have to get married within the next year. We recorded approximately 125,000 last year; therefore, 3,000 marriages did not occur. Should the people who do not get married be charged for certified copies of wedding certificates they are not ever going to use? People purchase the certified copies for Social Security and DMV [Department of Motor Vehicles] after they are married.

I would guess that while one-stop shopping may work for some couples, it will not address this problem. The customers who do get married understand that it will take a second contact with a government office to get the documents they require. I do not think that they care specifically if it is the recorder or the clerk's office that they contact. My lab staff has spent a great many hours of training with Kodak to become a Kodak-certified lab. They take a great deal of pride in producing, maintaining, and delivering film and images to our customers who purchase our marriage records.

The 18-year-old computer system was replaced one year ago, and we are in phase one of an installation upgrade. This system was designed specifically to

handle the needs and responsibilities of the Recorder's Office, which include the recording and filming of marriages. We sell this public information daily to customers who purchase our film. These customers like the way the system is set up now because it is a reliable, quality system that helps them to do their work.

[Frances Deane, continued.] Since I know the deputy recorders in my office provide excellent customer service to the public and our customers, and I know that we have a brand new recording system and that my staff produces quality work with it, I had to look to see whose life this bill really would improve. I came up with the clerk. I support my claim by the language of the bill that gives the clerk access to the recorder's \$3 technology fee. The recorders of this state banded together years ago to get a law passed that allowed us to collect this fee. The clerks have been unsuccessful so far in passing a similar law.

This change would put over \$375,000 under the clerk's purview, without the law's specific permission. This bill would bypass the need to have a law passed for the clerk's office, thereby skirting the process we are involved with today. I am opposed to the passage of A.B. 482, to file marriages instead of recording them. The county would like you to believe that there will not be any fiscal impact by this change in the law. I disagree.

Assemblyman Atkinson:

It is really funny to us in the Legislature, because we always seem to know which issues are hot and heavy depending on how many emails we get, and A.B. 482 has generated a lot of emails for me. I know that I remember this coming forth and have heard about it before. Ms. Deane, I just want to know, because we have some forms in front of us, and I know that you and Ms. Parraguirre have also had discussions about this change; I know that, at one point, you were in favor. Can you tell us what has changed?

Frances Deane:

I was never in favor of this bill. When we were asked what we thought about the clerk taking over marriages, we explained to them explicitly that while that was an entertaining idea, the laws would need to be changed. We were then told by the clerk's office that, in addition to taking over the responsibilities of marriage, they would also like to take over positions and funding from the recorder's staff. We have, I believe, an adequately staffed office, and to give up any positions and funding for this purpose would not fit the public of Clark County.

Assemblyman McCleary:

For the record, I just wanted to establish that you are an elected officer. Is that correct?

Frances Deane:

Yes, I am an elected official.

Assemblyman McCleary:

This looks like a turf war to me. Do you feel like this is a matter of one elected office trying to build an empire at the expense of another? What are your personal feelings on this?

Frances Deane:

I believe that our forefathers in 1909 constructed the *Nevada Constitution* with specific intent. I am here to protect what our forefathers put forth in the constitution.

Assemblyman McCleary:

Can I take that as a "yes?"

Frances Deane:

Yes, sir.

Assemblywoman Kirkpatrick:

Some time ago, it was taking some time to get some information out of your office. Are you guys currently caught up? I am thinking that, possibly, to lighten the load, because it was hard to even call to get information. I am wondering how that has been addressed.

Frances Deane:

When we were having difficulty with our performance, we were using an 18-year-old computer system in an environment where our volume of documents was increasing by over 15 percent, so we did fall behind. However, we have a new computer system that has been implemented for almost a year now, and we have been able to maintain our productivity standards, and our statistics do not reflect a backlog.

Assemblywoman Kirkpatrick:

So what is the actual turnaround time to get these documents, if I were going to go down and get them from your office?

Frances Deane:

If you were to come into my office today and your wedding certificate had been turned over to my office by the minister, you could receive it immediately. I know that on Wednesday, we recorded and received over 1,000 marriage certificates in one day, and they were all done the same day they were received. That would make them available to you immediately.

Assemblyman Sibley:

The Marriage Bureau is moving to the new regional justice center, which has no parking available to the public. From my understanding, there is even limited parking for the staff. The county building does have several parking lots. I do think that as far as people going to the office, the county building is the best place to go. Aren't these certificates available to order on the Internet, and if that is the case, why can't we just put a kiosk in the marriage license center so they can order them online from that office and not have to worry about transferring staff, equipment, and all the costs associated with transferring this office over?

Frances Deane:

We have explored that, and we think that would be a wonderful solution. They call them marriage kiosks. We think that would be wonderful. We have also explored with the Clerk's Office the opportunity to electronically record the documents. We are all for utilizing existing technology to improve customer service.

Assemblyman Atkinson:

I have a question for Mr. Musgrove. I am having a difficult time understanding this entire concept. Currently, when someone goes to the courthouse, that is where the marriages are performed—they get their certificate there, correct?

Dan Musgrove:

They obtain the marriage license at the Clark County courthouse, from the Clerk.

Assemblyman Atkinson:

Then afterwards?

Dan Musgrove:

Then they have a year in which they can exercise that license to get married. It is either done in their church, in a wedding chapel, or in a civil ceremony, and then the person who performs that ceremony is responsible for recording it, at this time, with the Recorder's Office within 10 days, as long as it is a valid marriage license.

Assemblyman Atkinson:

Afterwards they would have to go over to the county building to have it recorded.

Dan Musgrove:

Normally, what would happen is that the people who perform the ceremony have the responsibility to then record that document. They turn them in within that 10-day time period to the Recorder's Office. The problem that we see is that it is the person who is not used to working with the government—the private citizen who gets married and then needs the certificate as proof—gets caught up in this bureaucratic shuffle. All our intent was to help clear that up for the consumer, the person who is actually trying to utilize the government service to get the document they need for whatever reason they may need it.

Assemblyman Atkinson:

So it is your opinion that the one-stop, being familiar with where they once were, would clear up some of that?

Dan Musgrove:

They had to personally go to the clerk to get that initial license, and both of those people need to go and show up and get it, and that is their first interaction with the government. We assume that that will leave a lasting impression, and they will assume that that is where they go back again. That has been the problem when we talk about how many letters that the Clerk gets. We need to then refer them to the Recorder's Office. That was our intent, just to clean up the process.

Assemblyman Atkinson:

I understood that same thing, and I have always been one that is for the one-stop process, getting people a little more familiar with government, and not having them run around town to complete certain transactions. I am for the bill; I just wanted some clarification and some understanding.

Assemblyman Claborn:

If you had done a marriage certificate 30 years ago and you did not get married, would that still be in the archives? If you had applied for a marriage license and it did not occur 30 years ago, would it still be in your archives?

Dan Musgrove:

I do not know. I would have to yield to the recorder or to the clerk who issued that license as to what happened to it.

Alan Glover, Clerk-Recorder, Carson City, Nevada:

I am here today speaking on behalf of the Nevada Association of Recorders, and I feel rather uncomfortable sitting in this position, because our association includes all of the members. I have the highest regards for Shirley Parraguirre and for Diana Alba. They are very competent people. However, all of the recorders in the state are opposed to this type of legislation. Originally, we did not want to be brought into the turf war in Clark County, but we were because of Section 2 of the bill, which says, "The Board of County Commissioners may adopt an ordinance." It brought all the rest of us into it. I would like to report that the recorders in this state do not want to be brought into this. They want to keep their functions separate from that of the clerks.

Assemblyman Goicoechea:

The way I understand it and the way this bill is drafted, technically you could go in and get a wedding license and also a certificate without having the wedding actually performed. So, would it work for the one-year timeframe, at least?

Alan Glover:

It works both ways, but it works now. In our particular case in Carson City, the deputy that sells the marriage license is a deputy clerk and uses my seal as the county clerk on everything. When we certify a copy that someone sends in, we use the recorder's seal and they operate under the recorder section of the law. We do have that distinction in our own office. We have records that go back to 1855.

Judy Wilinski, Private Citizen, Clark County, Nevada:

I am opposed to A.B. 482. I have worked over 20 years between the government entities, and the Recorder's Office gives superior customer service compared to the Clerk's Office. The atmosphere is more customer-friendly and has almost 100 years experience in marriages. Las Vegas is known as the capital of marriages and it should be kept that way. It works.

Several of the ministers that were here had to leave to perform marriages, so I am speaking on behalf of them, also. Their concerns are with the parking, and that there was nothing mentioned about how the drop-off of the certificates would be delivered to the Clerk's Office. They are concerned about the long lines at the courthouse when they have to go and bring them in, especially when they are in between weddings.

The ministers of Clark County have built a comfortable level of trust with the Recorder's Office and believe in their ability to do a good job. We would like to keep it that way. The marriage certificate is the minister's responsibility to be delivered safely to be recorded. If there is a problem, the couple will be

contacting the minister, not the government agency. Their trust is in the Recorder's Office, who they have been doing business with for many years. Let's leave things the way they are; they work.

**Cliff Evarts, Owner, Vegas Wedding Chapel and Las Vegas Wedding Bureau,
Las Vegas, Nevada:**

I have the pleasure of working closely with the County Clerk, Shirley Parraguirre, and the County Recorder, Frances Deane. They both contacted me to ask me to support their positions on this proposed bill. I work actually with both agencies on a daily basis. I have submitted my comments in writing ([Exhibit K](#))—or the outline of those—and they can be summarized by saying that the current system is working great, and there is really no reason to change it. A few comments that lead to that conclusion are based on Clark County.

First of all, the bill assumes that anyone who obtains a wedding license will need to purchase a certified copy, even if they do not get married. I think that is obviously putting the cart before the horse. Currently, the Clark County Marriage Bureau is overwhelmed. They have constant lines and excessive waiting for wedding couples. On a daily basis, the wait can be 1 to 3 hours for a simple 10-minute application process. I do not believe that we should consider adding to the overloaded system in the County Clerk's Office.

When ministers and chapel owners visit the license bureau to make minor changes, they also have to wait in these long lines for service. It is very inefficient and time-consuming. It is also very difficult to find available parking spaces. It will certainly not simplify matters for ministers or the chapel owners. One of the most important things is that the sidewalks in front of the license bureau are inundated with unlicensed business operators, solicitors, vagrants, and hand billers who prey on unsuspecting wedding couples. Despite repeated complaints, the county has received enforcement of existing laws that has thereby created an atmosphere that no wedding couple will ever want to visit again.

We should not compel the couples to revisit the same location where they will again be confronted and harassed, which is what is currently happening. Marriage licenses are good for one year. If the wedding occurs 8 to 10 months after the wedding license is issued and the couple has, in fact, ordered a marriage certificate, how does the clerk then know where to mail that marriage certified copy? The address may very well have changed. Wedding couples are currently well-informed by the license bureau on where to purchase certified copies. In fact, the address is printed on the back of all marriage certificates.

[Cliff Evarts, continued.] The Marriage Bureau and the commissioner only accept cash and, in some cases, only accept cash in the exact amount. How can they receive payment by mail for these services if they only accept cash? The bill states that customers could purchase certified copies of the marriage certificate at the time of the marriage license application. This is not true. For example, if a couple does not get married within the year, but has purchased a certified copy, does the clerk then refund their money? If they do, where do they send the refund?

It seems to me that this system should be consistent throughout the entire state of Nevada. You should not have one system in one county, and that system should not be based on the political or personal agendas of various elected officials who have the opportunity to change this back and forth from time to time. Also, very importantly, this will preclude us from providing expedited overnight service for these certified copies to military people and others who need to get the certified copy right away.

Bart Donovan, Owner, Document Retrieval Service, Las Vegas, Nevada:

[Submitted [Exhibit L](#).] Our business retrieves certified abstracts of marriages—marriage certificates—for people who get married in Clark County. Most of our customers are people who live out of town and cannot retrieve their abstracts before they leave, because typically, their marriage has not yet been recorded, or a married person, or his or her representative, may realize they need expedited proof of marriage, and we retrieve it for them. I am opposed to the proposed bill, because of the potential for increased fees to my customers as described in Section 7, paragraph 2. If the county believes that the public would be better served by moving the recording function from the recorder's office to the clerk's office, they should be able to do it for the same fees, if not less. I am opposed to this.

Kathryn Burke, County Recorder, Washoe County Recorder's Office, Washoe County, Nevada:

I am opposed to A.B. 482. The bottom line, and the reason that clerks issue the certificates and recorders record the certificate, is the check and balance system. I am sure that all of you who are married probably feel that your marriage certificate is very important to you. There is a check and balance system using both offices. Fortunately for us in Washoe County, I am very good friends with Amy Harvey, the clerk, on a professional basis, and we do get along. We are obtaining an electronic system for both of us. We work very well together, and this will work for us. We like the system the way it is.

Vice Chairwoman Pierce:

I will now close the hearing on A.B. 482. This meeting is adjourned [at 10:50 a.m.].

RESPECTFULLY SUBMITTED:

Paul Partida
Transcribing Attaché

APPROVED BY:

Assemblyman David Parks, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Government Affairs

Date: March 31, 2005

Time of Meeting: 8:00 a.m.

Bill	Exhibit	Witness / Agency	Description
	A	*****	Agenda
	B	Susan Scholley, Committee Policy Analyst, Legislative Counsel Bureau	Work Session document
<u>A.B. 231</u>	C	Assemblyman Kelvin Atkinson	Testimony
<u>A.B. 231</u>	D	Assemblyman Kelvin Atkinson	Email received in support of <u>A.B. 231</u> FROM Sue Newberry.
<u>A.B. 231</u>	E	Assemblyman Kelvin Atkinson	Email received in support of <u>A.B. 231</u> from Susan Antipa
<u>A.B. 231</u>	F	Stephanie Garcia-Vause / City of Henderson	Proposed Amendment for <u>A.B. 231</u>
<u>A.B. 231</u>	G	Ruedy Edgington / NDOT	Testimony in opposition of <u>A.B. 231</u>
<u>A.B. 482</u>	H	Dan Musgrove / County Manager's Office Clark County	Testimony in support of <u>A.B. 482</u>
<u>A.B. 482</u>	I	Jill Willis / County Recorder's Office Clark County	Testimony in opposition of <u>A.B. 482</u>
<u>A.B. 482</u>	J	Shauna Johnson / County Recorder's Office Clark County	Statements in opposition of <u>A.B. 482</u>
<u>A.B. 482</u>	K	Cliff Evarts / Owner of Vegas Wedding Chapel	Testimony in opposition <u>A.B. 482</u>
<u>A.B. 482</u>	L	Bart Donovan / Owner of Document Retrieval Service	Testimony in opposition of <u>A.B. 482</u>