

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

**Seventy-third Session
May 20, 2005**

The Senate Committee on Government Affairs was called to order by Chair Warren B. Hardy II at 11:18 a.m. on Friday, May 20, 2005, in Room 2149 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Warren B. Hardy II, Chair
Senator Sandra J. Tiffany, Vice Chair
Senator William J. Raggio
Senator Randolph J. Townsend
Senator Dina Titus
Senator Terry Care
Senator John Lee

GUEST LEGISLATORS PRESENT:

Assemblywoman Chris Giunchigliani, Assembly District No. 9
Assemblyman Tom Grady, Assembly District No. 38
Assemblyman Scott Sibley, Assembly District No. 22

STAFF MEMBERS PRESENT:

Kim Marsh Guinasso, Committee Counsel
Michael Stewart, Committee Policy Analyst
Carol Simnad, Committee Secretary

OTHERS PRESENT:

Stephanie Garcia-Vause, City of Henderson
Irene E. Porter, Southern Nevada Home Builders Association
David S. Noble, Assistant Staff Counsel, Public Utilities Commission of Nevada
Craig C. Steele, Safety Manager, Public Utilities Commission of Nevada
Cindy Edwards, Administrator, Buildings and Grounds Division, Department of Administration

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Pamela B. Wilcox, Administrator and State Land Registrar, Division of State Lands, State Department of Conservation and Natural Resources

CHAIR HARDY:

We will hear testimony on Assembly Bill (A.B.) 484.

ASSEMBLY BILL 484 (1st Reprint): Authorizes discussions of workplace relations for certain state employees. (BDR 23-1300)

SENATOR TITUS:

For several years, State employees have attempted to secure a collective bargaining agreement. Assembly Bill 484 is far less than a collective bargaining tool. It does not contain financial agreements. The intent of this bill is to allow State employees the right to meet and confer.

SENATOR RAGGIO:

This bill goes far beyond the right to meet and confer, due to the binding arbitration provision. I will not support the bill.

SENATOR CARE:

This is the second Legislative Session in a row that the supporters of A.B. 484 have made an honest effort to reach an acceptable compromise without a collective bargaining provision and bring this legislation to the vote. I am in support of this bill.

SENATOR TITUS MOVED TO DO PASS A.B. 484.

SENATOR CARE SECONDED THE MOTION.

THE MOTION FAILED. (SENATORS HARDY, RAGGIO, TIFFANY AND TOWNSEND VOTED NO.)

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CHAIR HARDY:

I will open the work session on A.B. 552.

ASSEMBLY BILL 552 (1st Reprint): Revises provisions relating to public works. (BDR 28-1059)

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SENATOR LEE MOVED TO DO PASS A.B. 552.

SENATOR CARE SECONDED THE MOTION.

THE MOTION FAILED. (SENATORS HARDY, RAGGIO, TIFFANY AND TOWNSEND VOTED NO.)

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CHAIR HARDY:
We will now hear testimony on A.B. 425.

ASSEMBLY BILL 425 (1st Reprint): Establishes policies and incentives for urban design, mixed use development and environmentally friendly construction. (BDR 22-1084)

ASSEMBLYWOMAN CHRIS GIUNCHIGLIANI (Assembly District No. 9):
Assembly Bill 425 is the smart growth bill. I will refer to the latest amendments to A.B. 425 in the mock-up (Exhibit C, original is on file at the Research Library).

In these amendments, I have deleted language regarding the height of buildings and shadowing. I have taken out language dealing with views and commercialization in the land use areas. I have deleted the term "urban villages," since we could not agree on a definition.

On page 14 of Exhibit C, the incorrect *Nevada Revised Statute* (NRS) is cited. We have amended it to NRS 278.210.

A key amendment to A.B. 425 states a local governmental entity that has adopted an ordinance requiring an applicant to present information at a public meeting is deemed to be in compliance with this section. The intent of this amendment is to minimize extra meetings for master plan changes.

STEPHANIE GARCIA-VAUSE (City of Henderson):
We have an amendment (Exhibit D) to clarify that noticing provisions related to neighborhood meetings in conjunction with master plan amendments do not apply to master plan amendments initiated by governing bodies and/or planning commissions and impacting area-wide populations. For example, general plan

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updates that impact an entire city would not require each resident to receive a personal notice. This amendment allows us greater flexibility.

CHAIR HARDY:

What does A.B. 425 specifically do?

ASSEMBLYWOMAN GIUNCHIGLIANI:

The regional planning commissions are beginning to include mixed use development, transit-oriented development and large, off-site satellite parking. Assembly Bill 425 reinforces the need for them to continue with these projects and look for incentives for businesses and developers. Originally, there were impact fee credits, expedited processes and planning for the businesses and developers in this bill. However, there was no resolution on these incentives, and they have been deleted from the bill. In addition, A.B. 425 clarifies that, as improvement plans move forward, they should be including ideas for how each of the development areas will be used in the master planned communities. Further, this bill stipulates that there should be a compliance standard for public buildings. Those should be certified in accordance with the Leadership in Energy and Environmental Design Green Building System, or its equivalent. Finally, we have one local government that is not complying with the four-times-per-year master planning and the neighborhood meetings. This bill will rectify this and bring everyone onto the same schedule.

IRENE E. PORTER (Southern Nevada Home Builders Association):

It is an important day when we can all get together and agree on such a large piece of legislation.

SENATOR RAGGIO:

Do the local governments affected by this legislation agree with it?

ASSEMBLYWOMAN GIUNCHIGLIANI:

Yes, all the involved local governments agree with this legislation.

SENATOR RAGGIO:

Are the affected local governments going to regard this legislation as an unfunded mandate?

ASSEMBLYWOMAN GIUNCHIGLIANI:

No, they are all in agreement with the legislation.

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SENATOR TIFFANY VOTED TO AMEND AND DO PASS AS AMENDED
A.B. 425.

SENATOR CARE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR HARDY:
Committee, what is your vote on Assembly Joint Resolution (A.J.R.) 11 of the 72nd Session?

ASSEMBLY JOINT RESOLUTION 11 of the 72nd Session: Proposes to amend Nevada Constitution to provide for election of certain members and gubernatorial appointment of certain members of Board of Regents, and to specify numbers and terms of members. (BDR C-18)

SENATOR RAGGIO MOVED TO DO PASS A.J.R. 11 OF THE 72ND SESSION.

SENATOR TIFFANY SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR TITUS WAS ABSENT FOR THE VOTE.)

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CHAIR HARDY:
We will hear testimony on A.B. 440.

ASSEMBLY BILL 440: Revises boundary line between Washoe County and Lyon County. (BDR 20-1019)

CHAIR HARDY:
We had requested Washoe County's opinion on A.B. 440, and we have heard from them that they are in support of this legislation.

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SENATOR CARE:

Do we have assurances by the entities involved with this bill that the Paiute Tribe need not worry about the availability of water on their land?

CHAIR HARDY:

Assembly Bill 440 and the water rights for the Paiute Tribe are two separate issues. Our vote today will not keep discussion on the Paiute Tribe's water rights from going forward.

ASSEMBLYMAN TOM GRADY (Assembly District No. 38):

Only the second phase of A.B. 440 will affect the zoning and water rights of the Paiute Tribe, and there will be an additional public hearing regarding these issues. This first phase of this legislation specifically pertains to the Washoe County and Lyon County boundary line.

SENATOR RAGGIO MOVED TO DO PASS A.B. 440.

SENATOR TOWNSEND SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR TITUS WAS ABSENT FOR THE VOTE.)

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CHAIR HARDY:

We will open the work session on A.B. 158.

ASSEMBLY BILL 158 (1st Reprint): Requires state agency to provide notice of access to computer of officer, employee or contractor under certain circumstances. (BDR 23-1008)

SENATOR LEE MOVED TO DO PASS A.B. 158.

SENATOR TOWNSEND SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR TITUS WAS ABSENT FOR THE VOTE.)

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CHAIR HARDY:

We will now hear testimony on A.B. 125.

ASSEMBLY BILL 125 (1st Reprint): Revises provisions to clarify role of Public Utilities Commission of Nevada in approval of certain proposed subdivisions. (BDR 22-653)

SENATOR TIFFANY:

If a developer of a planned community is going to be the owner of their own water district, the concern is that after five years will the water district be turned over to the homeowners association. A problem might arise because the homeowners association does not have the expertise to efficiently handle such a utility. Is this correct?

DAVID S. NOBLE (Assistant Staff Counsel, Public Utilities Commission of Nevada):
Yes, you are correct. If the developer is in charge of the utility, we would want to make sure the developer has sufficient capitalization to run the utility efficiently for a long period of time.

CRAIG C. STEELE (Safety Manager, Public Utilities Commission of Nevada):
The problem is much larger than just the transfer of the utility to the homeowners association. The foremost problem results from the ongoing operation and maintenance of the utility by the developer. As a developer sells out the development, there can be a lack of interest in the utility. Problems result, and we receive complaints from residents of the new development over utility problems.

SENATOR TIFFANY:

Are there specific requirements to let the developers know beforehand what is needed to operate and maintain a utility?

MR. NOBLE:

Any jurisdictional water utility has to receive a certificate of public convenience and necessity. This is generally a three-month process at the minimum. They must show the expertise and wherewithal to run the utilities. Later, there is constant oversight by the Public Utilities Commission of Nevada.

SENATOR TIFFANY:

If you have the ability to do that now, why do we have A.B. 125?

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MR. NOBLE:

The intent of this bill is to create a safety net for all the water resources and health issues of small developments that do not come before us for review and approval. This legislation mandates our signing off for these developments to make sure they are a verified jurisdiction water and sewer authority.

SENATOR TIFFANY:

How long will this bill delay the construction of the development?

MR. NOBLE:

Assembly Bill 125 will not increase the time for Commission review. It is to ensure we review the new development maps that might not have been reviewed in the past.

SENATOR TOWNSEND MOVED TO DO PASS A.B. 125.

SENATOR RAGGIO SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR TITUS WAS ABSENT FOR THE VOTE.)

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CHAIR HARDY:

We will now hear testimony on A.B. 39.

ASSEMBLY BILL 39 (3rd Reprint): Makes various changes to provisions governing purchasing by state and local governments. (BDR 27-560)

SENATOR TOWNSEND:

There was a concern with A.B. 39 in regard to local governments intruding into the telecommunication industry's manner of doing business. These parties have met and resolved this problem.

SENATOR CARE:

My concern with this bill was regarding the perception of ethical business practices. My suggestion was to remove the language in sections 10 and 11 of the bill allowing for an exemption if there is not open, competitive bidding. It has been brought to my attention that existing law makes it permissible for a

member of the Legislature to do this if there is open bidding. There is nothing permitted for closed bidding. Therefore, the language in sections 10 and 11 is redundant. I have no further concerns.

SENATOR TIFFANY MOVED TO AMEND AND DO PASS AS AMENDED A.B. 39 BY REMOVING SECTIONS 10 AND 11 DUE TO REDUNDANCY.

SENATOR TOWNSEND SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR TITUS WAS ABSENT FOR THE VOTE.)

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CHAIR HARDY:
We will take testimony on A.B. 210.

ASSEMBLY BILL 210 (2nd Reprint): Requires contractor and certain subcontractors on certain public works to submit monthly report on demographics of persons employed on public work. (BDR 28-872)

CHAIR HARDY:
The construction industry is aware of this important issue. The building industry, as a whole, is doing a great deal to recruit minorities and women. A proposal has been introduced to craft a resolution from A.B. 210 to encourage women and minorities to seek employment, training and apprenticeship opportunities in the construction and public works trades. The resolution will highlight the exceptional wage structure, employment benefits and career opportunities available to women who work in the construction industry.

SENATOR TOWNSEND:
I would like to do away with the resolution proposal and put the language from the resolution into an amendment for A.B. 210.

SENATOR TOWNSEND MOVED TO AMEND AND DO PASS AS AMENDED A.B. 210.

SENATOR LEE SECONDED THE MOTION.

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THE MOTION CARRIED. (SENATORS TIFFANY AND TITUS WERE
ABSENT FOR THE VOTE.)

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SENATOR LEE:

I would like to build on the idea of recruiting more women and minorities into the construction industry. We should advertise in all of the trade papers.

SENATOR TOWNSEND:

This should not be limited to the construction industry trade papers. It should be sent out to the high schools, community colleges and the media.

CHAIR HARDY:

We will now hear testimony on A.B. 312.

ASSEMBLY BILL 312 (1st Reprint): Requires certain governmental entities to conduct certain sales and other disposals of certain public lands and real property by public auction. (BDR 26-1089)

KIM MARSH GUINASSO (Committee Counsel):

You have before you a proposed amendment ([Exhibit E](#), original is on file at the Research Library) and a one-page addendum needed to add the definitions of "economic development" and "redevelopment." We also missed the concept of establishing residential housing in support of, or in conjunction with, the commercial enterprises and facilities to be established in the area. This phrase will be included in the concept of economic development, as proposed.

CHAIR HARDY:

Are these changes reflective of the Committee's previous discussions on this bill?

Ms. GUINASSO:

Yes, [Exhibit E](#) is a reflection of the agreement.

ASSEMBLYMAN SCOTT SIBLEY (Assembly District No. 22):

We want to make sure the definition for economic development is taken from the latest change dated May 18 from the city of Las Vegas.

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CHAIR HARDY:

Yes, this is the wording that will appear in the amendment.

CINDY EDWARDS (Administrator, Buildings and Grounds Division, Department of Administration):

We request that short-term leases be exempt from A.B. 312. There are seven structures in the Clear Creek area that fall under this lease definition. I have a memo on this issue ([Exhibit F](#)).

CHAIR HARDY:

Assemblyman Sibley, do you understand this amendment from Ms. Edwards?

ASSEMBLYMAN SIBLEY:

Yes. My concern is that these rental properties will not go through the appraisal process to find out their fair market value. We should not be renting this property below the value of the rental market in the area. The State should not lease land beneath its fair value.

SENATOR LEE:

What is the residential lease program? Where are the disparities in the residential leases?

MS. EDWARDS:

The residential leases are seven dwellings at the Clear Creek facility. These are older mobile homes and single dwellings. They are old structures and not typical of the structures in that area.

SENATOR TOWNSEND:

We could say that properties currently leased by the State shall remain under the current provisions, but anything added in the future will fall under the provisions of A.B. 312.

ASSEMBLYMAN SIBLEY:

On a residential lease, you normally do not receive an appraisal. We might have the State turn the properties over to a realtor as a disinterested third party for leasing. We need to receive fair market value.

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Ms. EDWARDS:

The Buildings and Grounds Division, which has over 300 leases, procures all of the leased office space. We compare market rates for commercial lease space and have the expertise to review the lease market for residential leases.

CHAIR HARDY:

Ms. Edwards, please work with Assemblyman Sibley and the sponsors of this bill to find an agreed-upon Senate Floor amendment concerning this lease issue.

PAMELA B. WILCOX (Administrator and State Land Registrar, Division of State Lands, State Department of Conservation and Natural Resources):

I see some conflicts with State statutes in this new amendment. With the Committee's permission, I will work with Ms. Edwards to resolve them.

SENATOR TOWNSEND MOVED TO AMEND AND DO PASS AS AMENDED A.B. 312.

SENATOR LEE SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS RAGGIO, TIFFANY AND TITUS WERE ABSENT FOR THE VOTE.)

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CHAIR HARDY:

Is there any further business to come before this Committee? Hearing none, we will stand adjourned at 11:58 a.m.

RESPECTFULLY SUBMITTED:

Carol Simnad,
Committee Secretary

APPROVED BY:

Senator Warren B. Hardy II, Chair

DATE: _____