

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

**Seventy-Fourth Session  
April 25, 2007**

The Committee on Government Affairs was called to order by Chair Marilyn K. Kirkpatrick at 9:02 a.m., on Wednesday, April 25, 2007, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/74th/committees/](http://www.leg.state.nv.us/74th/committees/). In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Marilyn Kirkpatrick, Chair  
Assemblywoman Peggy Pierce, Vice Chair  
Assemblyman Kelvin Atkinson  
Assemblyman Bob Beers  
Assemblyman David Bobzien  
Assemblyman Chad Christensen  
Assemblyman Jerry D. Claborn  
Assemblyman Pete Goicoechea  
Assemblyman Ruben Kihuen  
Assemblyman Harvey J. Munford  
Assemblywoman Bonnie Parnell  
Assemblyman James Settlemeyer  
Assemblyman Lynn D. Stewart  
Assemblywoman RoseMary Womack

**GUEST LEGISLATORS PRESENT:**

Senator John J. Lee, Clark County Senatorial District No. 1



**STAFF MEMBERS PRESENT:**

Amber Joiner, Committee Policy Analyst  
Eileen O'Grady, Committee Counsel  
Mary Kay Doherty, Committee Secretary

**OTHERS PRESENT:**

Mary Walker, representing North Lake Tahoe Fire Protection District, Carson City, Douglas County, Lyon County, and Storey County  
Mike Brown, Fire Chief, North Lake Tahoe Fire Protection District  
George Ross, representing Regional Emergency Medical Services Agency (REMSA)  
Pete Anderson, State Forester, Division of Forestry  
Gary Neilson, Division Chief, City of Reno Fire Department  
Michael Greene, Fire Chief, Sierra Fire Protection District  
Michael Hillerby, representing Coyote Springs  
Rusty McAllister, President, Professional Firefighters of Nevada

[Meeting was called to order at 9:02 a.m.]

**Chair Kirkpatrick:**

I will now open the public hearing on Senate Bill 288 (1st Reprint).

**Senate Bill 288 (1st Reprint): Makes various changes concerning fire protection districts. (BDR 42-944)**

**Mary Walker, representing North Lake Tahoe Fire Protection District, Carson City, Douglas County, Lyon County, and Storey County:**

We have been working on the *Nevada Revised Statutes* (NRS) 474 fire district laws and have been coming back to the Legislature over the last several sessions with little tweaks here and there every time we needed something to be done. The problem is NRS 474 is a law that stems from 1937 and most of it has not been changed since then.

We thought we would take a look at NRS 474 and modernize it. For example, NRS 474 does not allow a fire district to hire a fire chief. It does not allow them to hire and pay for staff. It does not talk about the services we actually provide today, which are not just fire suppression, but also emergency medical services, Hazardous Materials (HAZMAT), and other things.

We met with the State of Nevada and the Nevada Division of Forestry and worked out this bill to upgrade and modernize the statutes with regard to operations and budgetary matters.

[Spoke from prepared statement ([Exhibit C](#)).]

This bill passed unanimously out of the Senate Human Resources Committee as well as unanimously out of the Senate Floor. We also have an amendment ([Exhibit D](#)) which has three sections to it.

[Read from proposed amendment ([Exhibit D](#)).]

**Mike Brown, Fire Chief, North Lake Tahoe Fire Protection District:**

I have nice stations and nice equipment, but under the current law I should not have any employees. I have a total of 68 firefighters, captains, and firefighter paramedics. We have been functioning this way since 1959 when the fire district was established, so going back and looking at NRS 474 has been quite an undertaking.

We support this bill with the amendments.

**George Ross, representing Regional Emergency Medical Services Agency:**

The Regional Emergency Medical Services Agency (REMSA) is the franchise ambulance service in Washoe County. It provides all of the ambulance service in the county.

About half the time we go on a call we do not do a transport. Of the people we do transport only approximately half pay for the service. The entire revenue for REMSA comes from the insurance of those who do pay.

We support this bill with the amendments.

**Chair Kirkpatrick:**

Are there any questions?

**Assemblyman Goicoechea:**

How do you determine, once the fire district has been petitioned for creation, whether it will have its own board of commissioners or the board of county commissioners from that county who will sit as the board?

**Mary Walker:**

That is under current statute. We are not changing any of that. It is a petition process and they make a decision about whether it is going to be formed by a separate election or not.

**Assemblyman Goicoechea:**

It requires 25 percent of the property owners in the district to petition the board of county commissioners. The decision would be made by the board of county commissioners about whether they wanted it to be a stand-alone group of commissioners or if they themselves would head the board.

**Mary Walker:**

There are two separate parts to NRS 474. "District created by election" is in NRS 474.005. That is where that starts. Then you have the second section. Each section has its own ability to be established. They have their own protocols at that point.

**Assemblyman Goicoechea:**

That determination is made either in the petition process or by the board of county commissioners?

**Mary Walker:**

That is correct.

**Assemblyman Beers:**

Is there an ongoing problem of non-contracted ambulance services coming into the area?

**George Ross:**

No there is not. There are none because it is strictly a franchise for that county.

**Mike Brown:**

North Lake Tahoe Fire Protection District also has a franchise ambulance service for Incline Village and Crystal Bay. We have not seen this issue either.

**Chair Kirkpatrick:**

Can you explain line 8 in Section 24, subsection 2? It talks about the estimates for any emergencies. What kind of emergencies are you thinking about? Is there a definition of emergency somewhere?

**Mary Walker:**

This is the section where the boards of county commissioners are the board of fire commissioners. They prepare an annual budget. Each budget must be based on an estimate of the amount of money which would be needed to defray the expenses of the district and to meet unforeseen emergencies. The reason why we took "fire emergencies" out is because it is "any emergency."

We look at what our past expenses have been when we are budgeting for a fire district. We are talking about additional costs that could occur such as overtime, hiring outside contractors when you have large wildland fires, or payment to other agencies to come and help with wildland fires.

**Chair Kirkpatrick:**

If you go to page 13, Section 7 it defines what emergencies can be included without limitation. In Section 24, subsection 6 it allows for a lot of them. This makes me nervous that we would be taking one set of revenue from one person and giving it to someone else. I want to be clear that is not the intent.

**Mary Walker:**

In Section 24, subsections 6 and 7, under existing law the fire districts have the ability to set aside up to \$1 million dollars for emergencies, but those emergencies were not defined. The professional firefighters' unions requested a clarification to define what emergencies are. This is why this section is extremely important.

The Waterfall Fire is a good example of having the federal and state government help with the funding. Current law gives us the ability to set aside \$1 million. The original intent was for large wildland fires.

We do not want to leave the definition of "emergencies" too broad, but rather define what types of emergencies we may have. It is not just fire emergencies. It could be a flood, an earthquake, and those types of things. On page 13, paragraph 7 a definition of emergencies was put in so you cannot use that \$1 million for anything other than those types of emergencies.

**Chair Kirkpatrick:**

Are there any other questions? [There were none.]

Is there anyone who would like to testify in support of S.B. 288 (R1)?

**Pete Anderson, State Forester, Division of Forestry:**

I am here in support of S.B. 288 (R1). We have worked long and hard to clean up the antiquated language in this law. It is now in a form that will be

functioning for all of our local governments, the State, and all emergency services.

**Gary Neilson, Division Chief, City of Reno Fire Department:**

The Truckee Meadows Fire Protection District contracts to the City of Reno and we are in support of S.B. 288 (R1).

**Michael Greene, Fire Chief, Sierra Fire Protection District:**

We are in support of S.B. 288 (R1).

**Chair Kirkpatrick:**

Are there any questions?

**Assemblywoman Pierce:**

Does the language "prevent and suppress fires" include controlled burns?

**Pete Anderson:**

There is a separate section in our statutes regarding controlled fires and their use, so it is not included at this point.

**Assemblywoman Pierce:**

Does this language prohibit you from doing that?

**Pete Anderson:**

We can utilize fire as a tool in resource management whether it is in timber resources, rangelands, or whatever across the State, and we actively do that, at the federal, state and local level. This statute would not impact our ability to use fire as a tool.

**Assemblyman Goicoechea:**

Elected fire commissioners are not something you see on this side of the State. I am not very familiar with it. Does it change your ability to cooperate in regard to the Nevada Division of Forestry (NDF)?

**Pete Anderson:**

We have not experienced any problems working with our fire districts in that manner, whether it is five county commissioners, five fire district appointees, or elected officials.

**Assemblyman Goicoechea:**

Can the five fire commissioners be appointed? I thought they were all elected.

**Pete Anderson:**

I misspoke. They have to be elected.

**Michael Hillerby, representing Coyote Springs:**

Our request was in Section 9 of the bill NRS 474.010 to go back to the existing language that would allow fire protection districts to be formed in more than one county. We currently have development agreements with Clark County and Lincoln County, both of which envision one fire protection district that would be managed by Lincoln County and a change in that law would have made it difficult.

**Chair Kirkpatrick:**

Are there any more questions? [There were none.]

Is there anyone else in support of S.B. 288 (R1)? [There were none.]

Is there anyone who is neutral on S.B. 288 (R1)? [There were none.]

Is there anyone who is opposed to S.B. 288 (R1)? [There were none.]

We are going to close the public hearing on S.B. 288 (R1).

We are going to open the hearing on Senate Bill 289 (First Reprint).

**Senate Bill 289 (1st Reprint): Revises provisions relating to fire protection districts. (BDR 42-471)**

**Mary Walker, representing North Lake Tahoe Fire Protection District, Carson City, Douglas County, Lyon County, and Storey County:**

[Spoke from prepared statement ([Exhibit E](#)).]

When these boundaries were created in the 1930s, 1940s, and 1950s it was before we had all of the growth and annexations that have occurred. It has left areas where you have a fire station that is responding to another area in another district but not being funded directly by the taxpayers in the area they are serving. There is a difference in the taxes that are being charged as far as the tax rate.

To modernize those boundaries it would have to go through a public process because it would be with the board of county commissioners and through working with the 473 district, and we would be working with the State Forester or fire warden.

**Mike Brown, Fire Chief, North Lake Tahoe Fire Protection District:**

Senate Bill 289 (R1) will help us align our responsibilities as well as provide a high level of service delivery to the customers we serve. It will help us considerably on the public service side.

Trying to determine whose jurisdiction is whose is often a question until we get the maps out to totally understand whose responsibility those areas are.

We are in support of this bill.

**Pete Anderson, State Forester, Division of Forestry:**

We support S.B. 289 (R1). This bill adds a second option to NRS 473 giving our county commissioners the ability, through resolution, to add contiguous territory that meets the intent of an NRS 473 district in addition to the existing petition process that is in statute today.

The bill similarly amends NRS 474 by adding an option to NRS 474 districts by giving county commissioners the ability, through resolution or land owner-signed petition, to annex NRS 473 fire districts into an NRS 474 fire district.

Given the urbanization and private acquisition that is occurring across some of our NRS 473 fire districts, these urbanized areas no longer meet the original intent of an NRS 473 fire district. This bill will allow the orderly transition to appropriate emergency service levels required in what are now highly urbanized environments.

**Assemblyman Settlemeyer:**

I worry that some people may be annexed into an area they did not want to become part of.

I am also bothered by the word "or" on line 12 and also on line 14 of pages 2 and 3. I would feel more comfortable if that was "and." That way individuals would not automatically be annexed into areas they did not want to be part of.

**Assemblyman Bobzien:**

Where are some of the outdated boundaries? Where are some of the areas you feel you need to apply a level of service to which does not currently exist?

**Mike Brown, Fire Chief, North Lake Tahoe Fire Protection District:**

We currently service all the way to the Mount Rose summit for the North Lake Tahoe Fire Protection District.



**Assemblyman Settlemeyer:**

There seems to be a habit in Carson City and Douglas County to put businesses on the line to try to attract business from the other counties. Douglas County was part of an event that won an award from the Nevada Taxpayers Association for their benefit for doing just that. I feel the law can help them with these issues.

**Assemblyman Goicoechea:**

I am concerned we might start annexing and applying a different tax rate. There has to be a mechanism in place that allows the people who will be incorporated to be part of the public process and say yes or no.

**Mary Walker:**

We could put in the bill they have to have the same tax rate. The purpose of this is not to change it. A lot of the fire districts are close to the same tax rate. A city and a county are really different. With the new tax law if you change the tax rate you are not going to see any affect on the tax bill. The tax bill is capped by 3 percent.

If we are going to change the boundaries or merge the district we would go from \$.42 cents to \$.47 cents. It will not affect anyone's tax bill because they are still kept at the 3 percent increase per year.

Once it gets equalized you can do annexations without the tax effects. If you wanted to put in there that in order to do this you would have to have the same tax rate we could do that without affecting the tax payers.

The intent is not on a revenue basis. It is on a service level basis.

**Assemblyman Goicoechea:**

What I want out of this is not about what they are paying. I just want something in the language saying property owners can be involved in the process.

**Assemblywoman Pierce:**

I am uncomfortable with holding on to this language about the petition. It is only signed by property owners? That seems to me to be pretty archaic and cuts out people who do not own property.

**Chair Kirkpatrick:**

I have some real concerns with this bill. I specifically asked for the map and now the rest of the committee has asked for the map. I do not want to take from a smaller county who is barely getting by and giving it to a bigger county

who is doing well. I do want to put all of the fire protection bills together to see the bigger picture.

Is there anyone in favor of this bill?

**Gary Neilson, Division Chief, City of Reno Fire Department:**

We are in favor of S.B. 289 (R1). With the Sierra Fire District there are some areas we need to look at regarding boundary lines.

**Michael Greene, Fire Chief, Sierra Fire Protection District:**

We are significantly impacted by the lack of this bill. We are trying to provide service in a patchwork area in Washoe County and this will enable us to consolidate our area and enhance our service delivery.

This is about enhanced service delivery and reduced response time, which is the essence of what we are about in providing emergency services. This law lets us have the mechanism to do that.

I am in support of S.B. 289 (R1).

**Chair Kirkpatrick:**

Does anyone have any questions? [There were none.]

Is there anyone else in support of S.B. 289 (R1)? [There were none.]

Is there anyone who is neutral on S.B. 289 (R1)?

**Rusty McAllister, President, Professional Firefighters of Nevada:**

Can you convert a 473 fire district into a 474 fire district by a move by the county commission? I do not like the idea of firefighters in a 473 fire district being paid different amounts.

**Chair Kirkpatrick:**

Is there anyone who is opposed to S.B. 289 (R1)? [There were none.]

**Mary Walker:**

What we found when we did merge we saved the taxpayers \$5 million in the first three years. We also decreased the response time in Truckee Meadows by 27 percent.

We moved the operations of the Sierra Fire District, which is a 473 district, from the State of Nevada Division of Forestry to a local operated under the board of county commissioners. That has been very successful.

You move them from one chapter of law to another. It is the same people, the same fire chief, the same tax rate, and the same tax district. We want to make it transparent.

In regard to the effect on the employees and the firefighters, in the contracts of the firefighters there is a successor-ship clause. If the fire department gets consolidated into another fire department the employees have the right to bargain for what their benefits and salaries will be under the newly reorganized department. The important thing is to make sure we have this clause in the firefighter's contracts so they are protected.

**Assemblyman Bobzien:**

We need a fuller picture of how levels and jurisdictions come together and compliment each other, and how it comes together for overall fire protection. This is a State issue, federal issue, local issue, and a county issue. We are looking at service levels to make sure people are protected, but at the same time this is a growth issue. We need to ensure the growth is paying for itself.

The county commission has a role to play but I want to make sure the State maintains its involvement in determining appropriate boundary lines for the various districts.

**Chair Kirkpatrick:**

Section 3 is all about annexations and how that process works. Section 4 is about consolidation and how that process works. Section 1 says "upon adoption of a resolution this would be effective immediately." I want to make sure of what the time frame is. I want to know how the process works and how it is different from consolidation after the annexation is done. I want to know how Section 1 applies to Section 4. It appears that Section 3 and 4 are different but they should actually go together.

**Mary Walker:**

Section 1 deals with the 473 districts, which are under the Nevada Division of Forestry. What we found when we were trying to look at consolidating some of these areas or changing the boundaries to update them for our growth problem, we found a 473 district can eliminate properties with the State Forest or Fire Warden. He can eliminate properties from them but the 474 district was not able to take them over. If he eliminated the property the 474 could not take it.

That is why in Section 1 you have the provision that it has to be contiguous, but you could, just by resolution of the board to petition, eliminate that. In Section 3 it allows for a 474 district to take it.

**Chair Kirkpatrick:**

We will close the public hearing on S.B. 289 (R1).

We will open the public hearing on S.B. 497 (R1).

**Senate Bill 497 (1st Reprint):** Revises provisions relating to certain public facilities. (BDR 20-1352)

**Senator John J. Lee, Clark County Senatorial District No. 1:**

[Spoke from a prepared statement ([Exhibit F](#)).]

[Presented a map ([Exhibit G](#)).]

[Presented Master Plan ([Exhibit H](#)).]

Our goal here is to build up the shooting range with world class events. We have 3,000 acres that are 30 minutes from downtown Las Vegas. We will be the shooting capital of the world within five years.

**Assemblyman Beers:**

Do you have an idea of how much revenue yearly this could bring in once it is up and running?

**Senator Lee:**

We do not. The public module of this range will never be closed. If we could get \$500,000 per year we would be excited. Anything above that would be wonderful to help us build it up.

**Assemblywoman Parnell:**

Tell me where the shooting range will go.

**Senator Lee:**

It is on the northern section of the valley along the front of the mountain about eight miles from the Nellis Air Force base.

**Assemblywoman Parnell:**

If you wanted it to be the John Lee Shooting Range you would be paying for that right and that is what this bill allows for?

**Senator Lee:**

I am the event holder and I want this named after me. We would put out a bid sheet. It would come back and I would decide I wanted the building named after me then I would give them some money. From there it would go to the

county commissioners and they would decide if John Lee's name was worthy to put on this park.

It would be the brand people such as Remington and Winchester. If it was something that was not, in commercial language, good stuff we would not be interested in having anything that would take away the family affect of what we are doing.

**Assemblywoman Parnell:**

I do not see any language in the bill that would give direction to or language that would eliminate the kind of name you might not want to have.

**Senator Lee:**

The county has that in ordinance already. We will just be utilizing the same language they already use.

**Assemblyman Claborn:**

This is one good project that hunters get 100 percent back from. It is going to be the Taj Mahal of all gun shooting ranges. I support this bill 100 percent.

**Senator Lee:**

We have been able to pull out some of the Southern Nevada Public Lands Management Act (SNPLMA) money. We have \$40 million in the bank to build this thing. Part of the problem is we have to build the infrastructure, all the streets to it, all the hydrants, et cetera.

We have to move all of the water coming off of the mountain down and around the shooting range. We are fully invested in this and a lot of the money we have will go to build the infrastructure. That is why we are looking for additional ways to support ourselves.

There is money called the Pitman Robinson money. Every time you buy a gun or a bullet or anything that goes to hunting, a certain percentage of that money goes to the federal government and comes back to us. The State kicked in \$100,000 of the Pitman Robinson money to help us get a range master who helped us design the shooting range.

**Chair Kirkpatrick:**

There is no language in here that puts it into separate accounts so it goes back to the shooting range. It is in the right direction but is too broad for county commissioners of the future.

**Senator Lee:**

When you build an Enterprise Fund, which is what this money will go to, it basically says you run a business within a business of the Clark County Commission. All money donated goes into the Enterprise Fund.

**Chair Kirkpatrick:**

I want to make sure that it is going back and the direction is there so future county commissioners know what the legislative intent was.

**Assemblyman Claborn:**

Pittman Robinson funds are matching funds, which are three-to-one. Those are well scrutinized by the federal government.

**Chair Kirkpatrick:**

When we are talking about selling naming rights I believe Winchester or Remington would come in and spend a lot of money so I want it clarified.

**Senator Lee:**

I am going to get the language for Assemblywoman Parnell and I will get you the language on how the Enterprise Fund would be locked-in money.

**Chair Kirkpatrick:**

Are there any other questions? [There were none.]

Is there anyone who is in support of S.B. 497 (R1)? [There were none.]

Is there anyone who is neutral on S.B. 497 (R1)? [There were none.]

Is there anyone who is in opposition of S.B. 497 (R1)? [There were none.]

We will close the public hearing on S.B. 497 (R1).

Is there any public comment? [There were none.]

[Meeting was adjourned at 10:16 a.m.]

RESPECTFULLY SUBMITTED:

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Mary Kay Doherty  
Recording Secretary

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Rachelle Myrick  
Transcribing Secretary

APPROVED BY:

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Assemblywoman Marilyn K. Kirkpatrick, Chair

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

**EXHIBITS**

**Committee Name:** Committee on Government Affairs

**Date:** April 25, 2007

**Time of Meeting:** 9:02 a.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
S.B. 288 (R1)	C	Mary Walker, representing North Lake Tahoe Fire Protection District, Carson City, Douglas County, Lyon County, and Storey County	Prepared statement
S.B. 288 (R1)	D	Mary Walker, representing North Lake Tahoe Fire Protection District, Carson City, Douglas County, Lyon County, and Storey County	Proposed amendment
S.B. 289 (R1)	E	Mary Walker, representing North Lake Tahoe Fire Protection District, Carson City, Douglas County, Lyon County, and Storey County	Prepared statement
S.B. 497 (R1)	F	Senator John J. Lee, Senatorial District No. 1	Prepared statement
S.B. 497 (R1)	G	Senator John J. Lee, Senatorial District No. 1	Map
S.B. 497 (R1)	H	Senator John J. Lee, Senatorial District No. 1	Conceptual Master Plan