

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

**Seventy-Fourth Session
May 18, 2007**

The Committee on Government Affairs was called to order by Chair Marilyn K. Kirkpatrick at 9:33 a.m., on Friday, May 18, 2007, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at 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; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

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

COMMITTEE MEMBERS ABSENT:

Assemblywoman RoseMary Womack



STAFF MEMBERS PRESENT:

Amber Joiner, Committee Policy Analyst
Scott McKenna, Committee Counsel
Cheryl Williams, Committee Secretary
Olivia Lloyd, Committee Assistant

OTHERS PRESENT:

Ted Olivas, representing the City of Las Vegas
Bob Crowell, representing the Nevada Well Owners Association
Jason King, Deputy State Engineer, Division of Water Resources,
State Department of Conservation and Natural Resources

[Roll called.] [Quorum present.]

Senate Bill 516 (1st Reprint): Revises provisions governing the compensation of certain elected county officers. (BDR 20-225)

We will start with Senate Bill 516 (1st Reprint), which was moved from yesterday's meeting. This is regarding pay raises for county employees. Assemblywoman Pierce has submitted an amendment. I believe this bill and everything we hear today will go to conference committee.

ASSEMBLYWOMAN PIERCE MOVED TO AMEND AND DO PASS
AS AMENDED SENATE BILL 516 (1st REPRINT).

ASSEMBLYMAN ATKINSON SECONDED THE MOTION.

Chair Kirkpatrick:

Is there any further discussion?

Assemblyman Goicoechea:

I will be voting in favor of this bill because I think we can get it into conference committee and get a little closer to middle ground.

Assemblyman Christensen:

Is there just one amendment?

Chair Kirkpatrick:

That is correct. Assemblywoman Pierce will explain it.

Assemblywoman Pierce:

The first part of the amendment ([Exhibit C](#)) concerns raises for the District Attorney, Sheriff, County Clerk, County Assessor, County Recorder, County Treasurer, and Public Administrator in each county. The amendment allows all of those employees to get a 3 percent salary increase every year for 4 years.

The second part refers to raises the County Commissioners may give themselves. The raises are retroactive to 2003. County Commissioners can give themselves a raise up to 139.315 percent of what they earned January 1st of 2003. We did not want to change that date because some of the county commissioners have not, as yet, given themselves raises. We increased the percentage, but some think it is too high.

Parts one and two are not connected to each other.

Looking at the constraints on all of the budgets in the State, a 3 percent raise every year is decent. It is better to have a raise every year instead of a lump sum every few years. I also hope we do not have long periods during which no one gets a raise. When Assemblyman Christensen and I worked on this in 2003, no one had received a raise in 11 years. I believe this is a good middle ground, and I would urge the passage of this bill.

Assemblyman Stewart:

I would agree with the middle ground, but I wish we could have a higher middle ground for these employees.

Chair Kirkpatrick:

If the bill were to get out of this Committee today, I would recommend you take part in the Conference Committee. It is a real eye-opening experience.

Assemblywoman Parnell:

I am comfortable with the salaries in regard to the chart in the bill ([Exhibit C](#)). On page 3 of the bill however, it states 143 percent, which alarms me. I hope we can compromise in conference committee. Again, I want to state, for the record, that I do not think this is the task of the Legislature. I think the counties know what they can afford, and they should be dealing with this internally and not with our direction.

Assemblyman Munford:

I agree with Assemblyman Stewart. Maybe it should be a little higher in terms of the middle ground.

Assemblyman Beers:

I have to agree partly with Assemblyman Stewart and Assemblywoman Parnell. I am torn on this bill. I do not believe it is the job of the State to set the county officials' salaries. I think it should be the county's duty. I am going to work to see that it becomes their duty. There are officials of various counties who are underpaid for the tasks they do, but there are others who are obviously overpaid. The counties will know what to do best. I am reluctant to support this bill.

Assemblyman Goicoechea:

This is a *Nevada Constitution* issue. It will be six or more years before we can fix it.

Chair Kirkpatrick:

I have a motion on the floor.

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

Assemblywoman Pierce will do the floor statement.

We will move to Senate Bill 234 (1st Reprint).

Senate Bill 234 (1st Reprint): Provides exception to competitive bidding procedures for certain contracts relating to redevelopment areas. (BDR 28-490)

Senate Bill 234 (R1) was presented by the City of Las Vegas. There has since been an amendment.

If it moves out of Committee today, I want this bill on the Chief Clerk's Desk immediately. I want to add the amendments proposed by the City of Las Vegas on the Floor, and clarify the definition of agency. Mr. Olivas, did you want to come up and explain your amendment?

Ted Olivas, representing the City of Las Vegas:

The amendment before you ([Exhibit D](#)) was worked out with Steve Holloway from the Associated General Contractors and Jack Jeffrey of the Southern Nevada Building and Construction Trades.

One part of the amendment increases the cost of the project from \$20 million to \$45 million. We added an adjacency requirement in subsection (c) of Section 1.

This is appropriate because we want to make sure that the additional work they do on behalf of the local jurisdiction is physically next to the project.

Subsection (d) is a clarification. During our hearing, Assemblywoman Parnell asked about the contribution or refund. I want to clarify—they are going to receive compensation from the local government. We took that wording from *Nevada Revised Statutes* (NRS) 338.0115.

In regard to the contractors we wanted to ensure we clearly identified that the contractors must be licensed in accordance with NRS Chapter 624 and have to go through a competitive bidding process.

The wording in subsection 3 is consistent with Senate Bill 201 (1st Reprint), which I believe you passed the day before yesterday [May 16, 2007].

Assemblywoman Pierce:

I wanted to clarify that you worked with Jack Jeffrey and Steve Holloway?

Ted Olivas:

That is correct.

Assemblyman Munford:

I received phone calls and emails from my constituents. When this bill was originally introduced, there was a map designating redevelopment areas, one of which extends into my district. Some of my constituents are worried that this is an opportunity to sneak something in the back door. They feel they should be at the table so they can have some understanding and knowledge of what the redevelopment is all about. I will refrain from taking a position right now.

Chair Kirkpatrick:

I asked the City of Las Vegas if I could use this language.

In redevelopment areas in North Las Vegas, schools are exempt, making them whole with the amount of money that goes toward them. I did not think it was fair to do that just in North Las Vegas.

Senator Hardy and I spoke about this and decided we need to address schools throughout the entire State. I want to make it clear—if this bill moves out of the Committee today, I am going to put it on the Chief Clerk's Desk so I can make a personal amendment saying the schools must be made whole. I would like to get a good solid amendment. I want to make it public knowledge.

Is there any further discussion on S.B. 234 (R1)?

ASSEMBLYMAN BEERS MOVED TO AMEND AND DO PASS AS AMENDED SENATE BILL 234 (1st REPRINT).

ASSEMBLYMAN STEWART SECONDED THE MOTION.

THE MOTION PASSED (ASSEMBLYMAN MUNFORD VOTED NO. ASSEMBLYWOMAN WOMACK WAS ABSENT FOR THE VOTE).

I will do the Floor statement.

Our next bill is Senate Bill 274 (1st Reprint), which is a community and domestic well bill.

Senate Bill 274 (1st Reprint): Makes various changes to provisions governing the State Engineer. (BDR 48-206)

It will take the State Engineer's Office some time to put regulations in place. I suggest we allow the Engineer's Office to proceed with the amendment proposed by Mr. Belanger, Mr. King, and Mr. Crowell ([Exhibit E](#)), but not allow implementation without a progress report to the next legislative session. Other regulations and Senator Wiener's bill will take about the same time to proceed as to come back to the next legislative session. I believe this bill will go into a conference committee.

Assemblyman Bobzien:

I have a question about the new section added to the bill. I do not see how number 1, point (a) and point (d) come together. Point (a) says the State Engineer would establish a threshold that would have to be exceeded before an administrative penalty would be imposed, but in point (d) we are specifying two acre-feet. May I have clarification on that?

Chair Kirkpatrick:

I was not part of that. May we have Mr. Belanger, Mr. King, and Mr. Crowell come to the table?

Assemblyman Bobzien:

I continue to be concerned we are potentially treating some people unfairly with this.

Chair Kirkpatrick:

I am not sure who wants to take charge of this.

Bob Crowell, representing the Nevada Well Owners Association:

There is a fair amount of support for the enforcement in S.B. 274 (R1), but there was a suggestion to place a threshold on the enforcement mechanism. It would say if you were using up to two acre-feet, the potential fining mechanisms would not be applicable in those situations. That particular dialogue started with the State Engineer, Tracy Taylor, Mr. Belanger, the Southern Nevada Water Authority (SNWA), and the Well Owners Association. They discussed how that could be implemented, if at all.

Before you is a joint suggestion as to how that would be done. The State Engineer would consider establishing a threshold that, if one went over, a fine would be imposed. If the well owner complies with the Administrative Procedure Act we would consider waiving the penalty. The intent is to try to solve the issues regarding the threshold matters during the interim.

**Jason King, Deputy State Engineer, Division of Water Resources,
State Department of Conservation and Natural Resources:**

We support this bill with the amendment.

Assemblyman Settlemeyer:

I understand the necessity of the amendment and am in favor of doing what we can to keep this bill alive.

I am bothered by point (d) which establishes two acre-feet as the threshold. It should go to a concept of percentage. With the concept of two acre-feet, if an individual had one acre-foot, this proposed amendment would allow him to go 100 percent over his allocation.

Bob Crowell:

The reason for two acre-feet is that it is the amount currently allowed for non-permitted domestic wells, which is theoretically a standard in the law that applies to homeowners served by their own domestic wells. It is not designed to increase allocations although what is happening in southern Nevada is a varied description of allotments from 300 gallons a day to 1,800 gallons a day. It is not fair to fine a homeowner who is allocated 300 or 500 gallons a day when a neighbor with a 1,800 gallon a day allotment is not fined. We want to flush out that type of concept in these rule-making proceedings.

Assemblyman Settlemeyer:

I understand your desire for equality; however, those individuals who are on the community well knew that allotment when they bought the property. If they did their research on their water rights, they knew they had a percentage of the

total allocation because it is divided amongst the lots. I support the bill and will do what I can to keep it alive, but I do have a problem with that particular section, and I may vote no because of it.

Chair Kirkpatrick:

I also have concerns. I think we should continue discussions during the interim so we can move forward. I know northern Nevada is trying to address its water concerns, and people who have lived for years in southern Nevada are trying to address their concerns. This will allow for discussions to continue. We can always go to conference committee and put it on the desk if people are still not clear with it.

Assemblyman Goicoechea:

This would not be implemented until the 2009 Legislative Session, with a report that would become part of this amendment, is that correct?

We want to keep the bill alive. We can try to separate point (d) out so that those regulations will be dealing with community wells, as S.B. 274 (R1) is about a lot more than community wells. I will vote for the bill as amended hoping that we can provide some protection for those community well owners, especially in southern Nevada.

Chair Kirkpatrick:

Is there any further discussion?

ASSEMBLYWOMAN PARNELL MOVED TO AMEND AND DO PASS
AS AMENDED SENATE BILL 274 (1st REPRINT).

ASSEMBLYMAN GOICOECHEA SECONDED THE MOTION.

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

Chair Kirkpatrick:

Mr. Settelmeyer will do the floor statement.

Our next bill is Senate Bill 487 (2nd Reprint), which holds the record for the longest committee hearing this Legislative Session.

[Senate Bill 487 \(2nd Reprint\)](#): Revises provisions relating to water resources in certain counties. (BDR 48-183)

The concerns, positive and negative, were valid. We need to keep the discussion going. Northern Nevada has made some progress during the interim, and they are moving in the right direction. Do I believe this is perfect language in the bill today? It is probably not. Do I think the Senate would agree with it? They absolutely will not, but have said they are willing to accept the language, to have the conference committee, and keep the discussions going.

Assemblywoman Parnell:

We are not far from having a water crisis in the northern part of the state. We need to be proactive and start looking at how to better utilize our resources. We need to learn to work together. We need to determine the extent of the water resources we have and plan for what we will do if we need to add to that source. I agree with the Chairwoman; we need to keep the discussion going. The last thing this Committee should do is kill the discussion. I think the conceptual amendment ([Exhibit F](#)) is worth supporting.

Assemblyman Bobzien:

This is the most important issue of the session and continues to be the most important issue facing the residents of my district. No matter what we think about the original bill, I do want to get the water policy right for northern Nevada.

Assemblyman Settlemeyer:

I agree 100 percent with the concept of new discussions. It seems that the entire bill was gutted, but the exact same language developed by the Senate Concurrent Resolution No. 26 of the 73rd Session Subcommittee (Subcommittee to Study the Feasibility and Advisability of Consolidating the Water-Related Services in Washoe County) is back in. It is not a new discussion.

Chair Kirkpatrick:

I worked for the last three or four days to get people to the same table but I could not get them there. After talking to a lot of people, the one thing I could do was return to Senate Concurrent Resolution No. 26 of the 73rd Session. Everyone agreed to start there. We have ten days to get it to the Floor. A lot can happen in ten days. I could not see killing the bill and stopping the discussion. This will be an issue for the next couple of sessions. Did we solve anything? No. Are we back to the same point? Yes, but we accomplished a lot during the time frame.

Assemblyman Claborn:

I do not like this bill, and I will not be supporting it.

Assemblyman Goicoechea:

We need to move the bill ahead. I think the Chair was a visionary, returning to the last place we had consensus. That is what created the S.C.R. No. 26 of the 73rd Session Subcommittee. We will start over and see if we can find some middle ground. To kill a bill does nothing.

Chair Kirkpatrick:

We can continue to study it. That was a portion of the bill. You can support my proposal or not. I think we would be crazy not to continue the discussions.

Is there a motion?

ASSEMBLYWOMAN PARNELL MOVED TO AMEND AND DO PASS
AS AMENDED SENATE BILL 487 (2nd-REPRINT).

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN BEERS, CLABORN, AND
SETTELMAYER, VOTED NO. ASSEMBLYWOMAN WOMACK WAS
ABSENT FOR THE VOTE.)

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We do not have any other bills in our work session at this time so we will recess until the call of the Chair.

[Meeting recessed at 10:13 a.m. Meeting adjourned at 3:30 p.m.]

RESPECTFULLY SUBMITTED:

Cheryl Williams
Committee Secretary

Rachelle Myrick
Transcribing Secretary

APPROVED BY:

Assemblywoman Marilyn K. Kirkpatrick, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Government Affairs

Date: May 18, 2007

Time of Meeting: 9:30 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 516 (R1)	C	Assemblywoman Peggy Pierce Clark County Assembly District No. 3	Amendment Mock-up
S.B. 234 (R1)	D	Ted Olivas, City of Las Vegas	Amendment
S.B. 274 (R1)	E	Jason King, Bob Crowell, and Andy Belanger	Amendment
S.B. 487 (R2)	F	Assemblyman David P. Bobzien, Washoe County Assembly District No. 24	Amendment