

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

**Seventy-Fourth Session
February 28, 2007**

The Committee on Government Affairs was called to order by Chair Marilyn K. Kirkpatrick at 8:01 a.m., on Wednesday, February 28, 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/. 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 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:

Assemblyman Tom Grady, Assembly District No. 38



STAFF MEMBERS PRESENT:

Amber Joiner, Committee Policy Analyst
Scott McKenna, Committee Counsel
Mary Kay Doherty, Committee Secretary

OTHERS PRESENT:

Tim Tetz, Executive Director, Office of Veterans' Services
Ron Gutzman, National Executive Committeeman, Department of Nevada,
The American Legion
Charles E. Lawson, Representing Stagecoach General Improvement
District
Mary C. Walker, President, Walker and Associates, Representing Lyon
County Board of Directors-3
Alan H. Glover, Carson City Clerk-Recorder, Representing the Nevada
Association of Records
Rosemary Menard, Director, Department of Water Resources, County of
Washoe
Jeanne M. Ruefer, Water Resource Planning Manager, Department of
Water Resources and Water Planning, County of Washoe

Chair Kirkpatrick:

[The meeting was called to order at 8:01 am. Roll was taken.]

I want to go over the agenda quickly. We are going to change things around a bit. We will hear our bills first to allow our Member presenters to get back to their respective committees. I would like to thank Washoe County for being supportive of our change.

We will start with A.B. 134.

Assembly Bill 134: Expands the duties of the Executive Director for Veterans' Services. (BDR 37-846)

Assemblywoman Womack, District No 23:

Good morning, Madam Chair. With me this morning is Tim Tetz, from the Office of Veteran's Services and Ron Gutzman, from The American Legion. Assembly Bill 134 was initiated last January [2006] after I attended a meeting of the Nevada Office of Veteran's Services. After the meeting we talked about flags; [([Exhibit C](#)) American Flag], and putting flags on all veterans' graves throughout the State of Nevada. Mr. Tetz agreed to sponsor the bill, to help

distribute the flags, and to direct the flag program through the Veteran's Services office.

Assembly Bill 134 is a simple bill. It requires, on Veterans' holidays, that flags be placed for all veterans in all cemeteries, not merely the veteran cemeteries, and also that flags be presented to our veterans in veterans' hospitals.

During my campaign I passed out flags as I went door-to-door, and on July 4, [2006], I went to the veterans' home with the remaining flags. The smiles and hugs I got, the twinkles in the veterans' eyes, and even a little tear or two, made me realize how much it meant to them to receive an American flag. So, we have added that request to the bill, and also request that the flags be American made.

Tim Tetz, Executive Director, Office of Veterans' Services:

My name is Tim Tetz. I am testifying today in favor of A.B. 134. I loudly proclaim to anyone who will listen, the many challenges we have in supporting Nevada's veterans throughout our daily activities. Serving Nevada's veterans and veterans' organizations is an effort that has few boundaries but many rewards. Assembly Bill 134 would support many of the activities we presently do, while further supporting our mission to care for those patriots who upheld the freedoms we cherish today.

The Nevada State Veteran's Commission and the Office of Veterans' Services began an awareness program this year. We are recognizing those veteran advocates who say, "Thank you," to a veteran. Not merely a verbal "thank you" but also through actions. Placing a flag on a veteran's grave is the very best way to say thank you from a grateful nation.

One of the responsibilities of the Office of Veterans' Services is to maintain and operate two State veterans' cemeteries, one in Fernley and one in Boulder City. Together these two cemeteries interred over 2,000 veterans and their family members in 2006. Both cemeteries serve as the central backdrop for Nevada's largest activities on Memorial Day, Veteran's Day and other patriotic holidays. Nothing is more stirring than entering the hallowed grounds of these facilities on such holidays and being overwhelmed by a sea of flags honoring America's heroes. Assembly Bill 134 will charge us to continue doing what we already accomplish at our State Veteran Cemeteries. It will also help us achieve the goals of our volunteers who raise funds for us each year.

Currently, any veteran buried in a national or state veteran cemetery can be located through the VA Grave Locator website. We have already used this program. I personally believe that a similar program that includes all of

Nevada's and veterans' cemeteries would not only be a first of its kind, but also a wonderful accomplishment. However, our limited staff could not accomplish this feat without the support and effort of many others. This bill would provide the mechanisms for others to assist in this.

The Union Veterans of the Civil War, some of whom are buried throughout Nevada, established Decoration Day almost 140 years ago. Citizens were called, and I quote, "To gather around sacred remains and garland the passionless mounds above them with the choicest flowers of spring time." The official order continued to say, "Let us raise above them the dear old flag they saved. Let us, in this solemn presence, renew our pledge to aid and assist those whom they have left among us, as a sacred charge upon the nation's gratitude."

In some ways that gratitude has changed. As Decoration Day evolved into Memorial Day, it embraced not only the veterans lost in the Civil War but, eventually, all wartime dead, and finally, deceased veterans of every stripe. Through A.B. 134 and with the hundreds of Nevada's volunteers who perform this duty each year, we would continue this sacred duty.

I have talked with Bill Brezinski. He is one of the volunteers who prepared the awesome displays at the Southern Nevada Veteran's Memorial Cemetery, doing that since its inception in 1990. He described the challenges he and his fellow volunteers face in placing the 20,000 flags each Memorial Day and Veteran's Day, up from 73 flags in 1990. His firsthand knowledge and insight suggests that if the State of Nevada were to provide a flag for each veteran within the State, those thousands of dollars currently raised by volunteers for this effort, could be used elsewhere.

The task these volunteers have is unfathomable to many, so be aware that A.B. 134 cannot go unfunded. The limited budget of the Office of Veterans' Services cannot absorb the cost for thousands of flags. Therefore, the heartfelt and well-intentioned actions of your Committee and the Nevada Legislature would fall short of the overall goal to honor our veterans if not funded.

To give another viewpoint, Ron Gutzman has joined me today. He will enlighten you about the efforts of the organizations here in Carson City, similar to many others throughout the State.

In contrast to both Carson City and Boulder City, there are the rural cemeteries. I spoke with Dale Soloman of Round Mountain this past weekend. For those members of the Committee not familiar with Nevada's rural highways, Round Mountain is the geographic center of the State; past Fallon and the Shoe Tree

on highway U.S. 50, and about an hour south of Austin. It may not be the end of the world, but you certainly can see the world from there. The 100 members of the American Legion and Veteran's of Foreign Wars in Round Mountain raise money each year from bingo games to purchase flags for the graves in Kingston, Belmont, Round Mountain and Manhattan. (That is Manhattan, Nevada). They decorate 120 graves with an American Flag and hold a four-hour processional throughout that region.

Assembly Bill 134 will truly assist organizations decorating cemeteries throughout Nevada and offering these final honors from a grateful nation. No matter how large, no matter how small, each veteran will be treated with the same honor and with all the solemnity we can muster. It is the veteran's organizations, the Girl Scouts, and the school children, and family members, who forever promise to memorialize the contributions of these heroes. The young men and women currently in harm's way, the warriors of our past who rest in our cemeteries, and these patriots that sit behind me, deserve nothing but our gratitude and these actions, for the heroic efforts they selflessly rendered our country.

On behalf of the Office of Veterans' Services, the veteran's organizations, and all of Nevada's 300,000 veterans and advocates, I urge you to pass Assembly Bill 134, for all of America's heroes.

Ron Gutzman, National Executive Committeeman, Department of Nevada, the American Legion:

My name is Ron Gutzman. I am a Korean War era veteran and a member of The American Legion, Disabled American Veterans (DAV), Marine Corps League, and a member of the Nevada Veterans' Service Commission. [Read from prepared text ([Exhibit D](#)).]

We, [The American Legion] support the intent of A.B. 134 to make flags available on all veterans' graves. Thank you.

Chair Kirkpatrick:

Thank you for coming before Government Affairs. Do we have any questions?

Assemblyman Bobzien:

I would ask you to elaborate on how [A.B. 134] might free up the resources raised for flags by volunteers' fundraising, to help expand the registry, cleanup the records, and so on. It is important to remember how this plays in the larger effort of the State; cataloguing and preserving our state's cultural heritage in terms of gravesites, graveyards, and cemeteries. I know that there are a

number of cemeteries across the State, and in fact, there is one in my district in northwest Reno, that could use this sort of assistance.

Would you elaborate on the Veteran Registry? Is it correct that this [bill] would allow you expand that registry, do more research, and hopefully, over time, get a better understanding of where our veteran's gravesites are throughout the State?

Tim Tetz:

Assembly Bill 134 offers several things. First, it definitely offers the opportunity to honor our veterans. Secondly, it allows those veteran's organizations currently raising money for this effort [purchasing flags] to use that money elsewhere. Most of the flags placed throughout the State of Nevada are purchased through the International Order of Trench Rats; a sub-organization of the Disabled American Veterans. They purchase 144 flags for approximately \$100 and they are the predominate group in charge of providing flags for the Southern Nevada Veterans' Memorial Cemetery, the Northern Nevada Veterans' Memorial Cemetery, and throughout the rest of the State in smaller amounts.

The wonderful thing about this bill is that it allows us, as the Veteran's Office, to assist in history-making by cataloguing those veterans' graves throughout the State. In return, it allows an organization or a cemetery sexton to bring this information to us, [Office of Veterans Services], and then we will give the volunteers the flags. In that way we can maintain a statewide data base.

My office receives probably, on a monthly basis, requests for a list of veterans in such and such a cemetery. Quite honestly, even our cemeteries from World War II, are not properly catalogued. The VA (Veterans' Administration) has required this within their own cemeteries and any state veteran cemeteries. Assembly Bill 134 would help expand this requirement and allow us to do it in private cemeteries. That is a fantastic idea.

My predecessor, Chuck Fulkerson, was in my office two weeks ago, and said his goal in his retirement is to travel the State of Nevada cataloguing all the veterans' memorials throughout Nevada. I said, "Oh by the way, check on some veteran cemeteries when you are there." It will take volunteers, like Chuck and many other volunteers, to help us learn where the veterans are and to create a legacy Nevada can truly hold, as befitting the Battle Born State.

Assemblyman Settelmeyer:

I concur with my colleague's statement. Are you using a GPS (Global Positioning System) to record the exact locations for posterity? I know there is an additional cost, but we use it with things in agriculture. My second idea was

to suggest a discussion with the Committee to consider a possible amendment to say the excess funds, if less than \$100 will revert to the Executive Director of Veteran Services, or something of that nature? The State then does not spend money to get a little bit of money back.

Tim Tetz:

I certainly support using a GPS. In Michigan, one county actually went through the GPS to catalogue locations. It is possible to go to their website and determine the location of a veteran's grave. That was a volunteer cooperation by one county. Our office, obviously, is not set up to do it within our own veterans' cemeteries, much less any other cemetery within the State. Predominantly, we rely upon the goodwill of volunteers to provide this information.

I may invite criticism saying I would love having never to return money to the State, particularly in this case. Any money we spend on taking care of veterans, is money well spent, and should be dedicated to that purpose. There is another bill draft in front of the Legislature this Session, which will allow us to receive money from the Veterans' License Plate Gift Account, located at the veterans' home, and create a gift account for the agency. Having that gift account at the agency, and dedicating it to veteran outreach and support of families in the military, would be one of those projects, certainly. That money could be used for furthering our knowledge of our veterans.

Chair Kirkpatrick:

Mr. Settelmeyer, I will ask Legal to address and clarify your question.

Mr. Scott McKenna, Government Affairs Committee Council:

Are you asking if the Office is a State Agency? Yes it is. The Office of Veterans' Services was created in State law in Chapter 417 of the *Nevada Revised Statutes* (NRS).

Assemblyman Stewart:

I commend Assemblywoman Womack and the gentlemen for being here for this very worthwhile bill. Can you tell me how we can volunteer to help put up these flags?

Tim Tetz:

Sir, I believe your district is in Henderson and I know that Bill Bauman is the leader of the Trench Rats at the Southern Nevada Veterans' Memorial Cemetery. If you get in touch with our cemetery superintendent, Jack Porrino, he will put you in contact with the committee heading the holiday efforts. They would love to have your help in placing all those flags on the grave sites.

Assemblyman Beers:

My question is regarding the part of the bill I particularly like; the part saying the flags be American made. I like the idea of the flag I put on my father's grave coming from the country he fought for. How do we assure this? Is there a mechanism to assure this?

Tim Tetz:

Obviously, enabling legislation for this project would certainly require us to do that. I, and our office, would diligently work with State Purchasing to make it happen. Obviously, it is almost a joke, having an American Flag made anywhere but in the United States. I wholly concur they should come from the United States.

Chair Kirkpatrick:

Thank you, Mr. Beers. Are there any other questions?

Assemblywoman Parnell:

Tim (Tetz), this is not germane to this bill, but since you are here, I wonder if the road is complete to the Northern Nevada Veterans' Cemetery? Is everything good to go out to Fernley?

Tim Tetz:

The road is complete and, I was told the other day, the garage next to the cemetery is actually using it to test drive vehicles. We have a nice, smooth path there. Truly the final miles of a veteran's journey through life will not be through pot holes. It is wonderful.

Assemblywoman Parnell:

I went to the Fernley cemetery about a year and a half ago. A friend of mine's father died and was buried there. It is just a beautiful place. If you have not seen it, it is worth a trip out there. It is beautiful. Thank you, and good news.

Chair Kirkpatrick:

For the record, on the front of your bill it shows there could possibly be a fiscal impact. We did, however, receive something from Darnell Bennett who clarified there would *not* [emphasis added] be a fiscal impact on this particular bill.

Assemblywoman Womack:

We submitted an amendment ([Exhibit E](#)). There will be a fiscal impact because Tim [Tetz] does not have the funds in Veterans' Services to purchase the flags through his budget.

Chair Kirkpatrick:

I understand what you are talking about, Mrs. Womack. However, we received information from the Fiscal Division late yesterday afternoon saying there would not be an impact. We will need to clarify that.

Assemblywoman Womack:

Can we amend it, Madam Chair?

Chair Kirkpatrick:

Let us clarify what the fiscal impact was originally based on. One of the things we must determine is whether it [A.B. 134] should be referred to a different committee; if there is a fiscal impact. We will clarify it later this afternoon.

Assemblyman Atkinson:

With an amendment does it have to go to Ways and Means?

Chair Kirkpatrick:

That is correct. I am using information sent to me as Committee Chair and, as of yesterday afternoon, I was unaware of an amendment.

Assemblywoman Womack:

Thank you, Madam Chair. We will get this cleared up.

Chair Kirkpatrick:

I am a big supporter of this bill. As a Girl Scout leader, I have spent many a Memorial Day putting out flags. I think it is a very worthy cause. I just want to clarify a few things.

Assemblywoman Womack:

Madam Chair, may I make one comment? I would like to thank the gentlemen in the back of the room from the American Legion who came in support of this bill. I hope we can get A.B. 134 through, and I hope we will keep in the section on visiting the veterans' homes, as it is also a very important part of this bill. It is something we will be proud of doing. Thank you.

Chair Kirkpatrick:

With that being said, I will take some testimony in favor of A.B. 134. Is there anyone who would like to speak against A.B. 134? [There were none]. The hearing on A.B. 134 is closed.

Our next bill up is A.B. 135. Welcome Mr. Grady.

Assembly Bill 135: Authorizes the Stagecoach General Improvement District to furnish sanitary facilities for sewerage. (BDR S-184)

Assemblyman Tom Grady, Assembly District No. 38:

You have before you probably the shortest bill you will see this Session. A.B. 135 is directed only toward the Stage Coach General Improvement District. For those of you not familiar with northern Nevada, if you drive east on highway U.S. 50, before you reach Silver Springs, there is a community. When you pass the fire station, it is the Stagecoach area. The Stagecoach General Improvement District [GID] supplies water in that area.

With me today is Mr. Charles Lawson. He is the Chairman of the General Improvement District in Stagecoach. I believe his father began the GID many years ago, and continues to reside there.

Assembly Bill 135 would allow for the expansion of the GID powers and include, with public approval, the provision of a sanitary/sewer system, in addition to water. It asks to broaden their scope of power from water only, to water and sewer.

Chair Kirkpatrick:

Mr. Grady, would your companion like to speak on this matter?

Charles Lawson, Representing the Stagecoach General Improvement District:

I have lived in Stagecoach for 36 years. Tom [Assemblyman Grady] is correct. My dad and I actually started that GID in 1969.

The need for this bill arose because the nitrate levels in the district water have risen to 7.03 percent, putting the district on the Nevada Division of Environmental Protection (NDEP) watch list. If it reaches 8 percent, NDEP will ask us to start planning for the installation of a sewer system. The GID did a study on that very problem, about five or six years ago. At that time the cost to the district would have been \$33 million.

There are only about 2,800 people living in the area. We have had proposals for further development and about 1,200 more homes. Just last month we accepted one new development into the district water system. There are also two more developers seeking acceptance into the water district this month. That being said, it is our expectation those new developments will build our sewage facility or, at least, the beginning of it.

There has been no cost to Lyon County from the GID, we are merely looking ahead. However, I believe Tom [Assemblyman Grady], Senator Amodei, and

Senator McGinness, all agree to the importance of this planning, but with the support of official authority. The GID has already instituted a denitrification septic system requirement within the district, to keep nitrates from climbing above the 10 parts per million the EPA requires. We do need, however, the ability to handle regular sewage projects, and therefore, we are seeking the power to do it.

Assemblywoman Pierce:

Tell me again, how many people live in this General Improvement District?

Charles Lawson:

In just the GID proper, or in the whole valley?

Assemblywoman Pierce:

The GID proper.

Charles Lawson:

The GID proper has approximately 1,500 folks.

Chair Kirkpatrick:

I have one question. Will A.B. 135 only enable legislation with the voters' approval?

Assemblyman Grady:

Yes, it will go to all the users and homeowners in the area. This bill does already have Lyon County's approval to go forward.

Chair Kirkpatrick:

Are there any other questions? Is there anybody who wishes to speak for A.B. 135?

Mary Walker, President, Walker & Associates, Representing Lyon County:

I want it to go on the record that the Lyon County Board of County Commissioners supports this piece of legislation.

Chair Kirkpatrick:

Would anybody want to speak against A.B. 135? Is there anybody who is neutral on A.B. 135? [There were no more comments.] The hearing on A.B. 135 is closed.

We will now open the hearing on A.B. 139. At this time I would like to call Mr. Alan Glover.

Assembly Bill 139: Revises provisions relating to local governmental administration. (BDR 20-325)

Alan Glover, Carson City Clerk-Recorder, Representing the Nevada Association of Recorders:

This is the Nevada Association of Recorders only bill and it is fairly straight forward. Assembly Bill 139 seeks to correct two problems encountered by county recorders over the last few years, by combining them into one bill.

If you look on page 3 of A.B. 139; in section 8, it says county recorders receiving fees by mail in excess of the actual fee, may deposit the overpayments with the county treasurer. The language of this bill matches language in current statutes that were proposed by county treasurers. At this point, when people come to a recorder's office with a check written for a couple of dollars over the required fee, the change is simply returned to them. For example, if the fee is \$14.00 but they wrote the check for \$15.00, we give back the dollar. However, if a fee is paid by mail, and is in excess of the fee, the only option for a county recorder is to mail the entire fee back to the sender, ask for another check in the correct amount, and postpone filing until the new check arrives. It is presently against the law to keep the other dollar or two. In this section we ask to keep any overpayment when less than \$5.00. We want to forward it to the county general fund. While this does not happen often, it can be quite a problem for those counties doing a large volume of work.

The last page of the bill is the major clean-up piece of legislation. (It was missed when we wrote the County Recorders' statutes four or six years ago.) Under the present law, when a sheriff administers an oath to his deputies, he is required to file that record with the County Auditor, and stamp it on the back. This has not been done in years. There are only a few counties with a County Auditor/Recorder. Most are simply County Recorders. Therefore, this bill is simply clean-up legislation, saying the filing is to be recorded with the County Recorder, and, under that statute, the recording is stamped on the front page of the document, not the back page.

I called both our Sheriff and the president of the Sheriffs' Association after the Nevada County Recorders' annual meeting in June, 2006. I asked them if they would have a problem with this change. They both said they would not. I will be happy to answer any questions.

Chair Kirkpatrick:

Thank you, Mr. Glover. Does anyone have any questions for Mr. Glover?

Assemblyman Goicoechea:

Alan (Glover), when a deputy was terminated in the past, did the sheriff file it with the Recorder?

Alan Glover:

Sometimes he did and sometimes he did not. If I terminate one, or if someone leaves now, I revoke their appointment and their oath. For example, when a County Clerk appoints field registrars, we revoke the registrars' oaths when they complete their job. All Clerks are supposed to do this to provide a clear record of who is working for you and who is not. By statute we must record any official deputy. When sworn in and having taken an oath, that oath is good until it is revoked. Even if you are terminated from the Eureka County Sheriff's Office, you remain under an oath of office and appointment. That oath must be formally revoked and recorded for the public record.

Assemblyman Goicoechea:

This is just a follow-up. It looks to me that in the larger jurisdictions, especially, it could be cumbersome when there is a change in a sheriff. As I read this language, one's oath would be revoked on December 31, after a sheriff leaves, and then, on Inauguration Day, everyone must return and file a new oath. Is that correct?

Alan Glover:

That is an interesting question. I have seen it done both ways: a newly elected official will revoke all of the oaths and then will reissue them and, yet, other counties will not do that. Under personnel rules you cannot terminate people. Of course sheriffs have a little more latitude. A sheriff may dismiss four or five people, revoke their oaths, and send just those names for recording. The remaining deputy's oaths are good until they are revoked.

Assemblyman Goicoechea:

I think the statute requires all oaths be revoked when there is a change in the sheriff or a newly elected official.

Chair Kirkpatrick:

I am a little surprised that Clark County is not here to discuss this bill. Have you discussed it with Clark County, Mr. Glover?

Alan Glover:

When we met last June the previous [Las Vegas] Recorder was still in office. We sent copies of A.B. 139 to every County Recorder but did not get much input from her then, or even over the past few years. However, the Association is improving its dialogue with Clark County. Everyone I know is very impressed with the new County Recorder.

The County Recorders' immediate problem arose because present statute wants oaths to be stamped on the *back* [emphasis added] page. Presently, under the County Recorder statutes, Recorders must record on the *front* [emphasis added] page. We just want to make sure we meet all requirements for recording.

Chair Kirkpatrick:

That was nicely put, Mr. Glover.

Why do you not require the exact change for recording fees, especially if they come from larger businesses that have been before you more than once?

Alan Glover:

When people come into the Recorder's office they normally bring the exact change. Title companies, for instance, often send their runners with a blank check and when there, write the check for the exact amount. The problem occurs from payments received by mail. Out-of-state corporations usually do know the correct recording fee is \$14 for the first page and \$1 for each additional page. However, if corporations do not send enough money we must immediately send the check back to them. Sometimes they overpay just to avoid a delay in filing. When I first came into office I would stick the dollar in an envelope and mail it back. That too, drove corporations crazy. They would have to account for that dollar and it cost even more money; these companies would rather it just go away, it is cheaper for them.

Chair Kirkpatrick:

What is the overall amount that will go into the general budget?

Alan Glover:

No one has any good figures on it. It is not a large amount of money. Out of our office [Carson City] it would not be \$20.00 a month. However, when you take that amount and increase it by 100 percent in Clark County, it may give you some concept of what we are working with. Clark County records as many documents in one month as Carson City does in a year. Again, if we are allowed to do as the bill recommends, it would be cost efficient for the county and for the company too.

Chair Kirkpatrick:

Thank you, Mr. Glover. Mr. McKenna, did you need to address Mr. Goicoechea's concerns?

Scott McKenna, Committee Counsel

I think that Mr. Goicoechea was going to redirect a question to Mr. Glover.

Assemblyman Goicoechea:

Alan (Glover), by statute, the county sheriff is "the" person when it comes to law enforcement. So technically, when changing a sheriff, the statute requires the past sheriff to revoke the oath of office for all the deputies serving under him, and then requires the new sheriff to issue new oaths, as the highest law official in that county. For instance, when Ken Furlong came on as sheriff, did all the deputies under him have to take a new oath of office?

Alan Glover:

I do not believe they did. We did not record 100 oaths of office when he came into office. When he appoints new people, he will then swear them in and we will record them. I do not believe he did a blanket oath of office. I have seen it done, however. A number of years ago a new sheriff came in and gave us a computer printout for everybody. It said, "We hereby revoke all of these people." We recorded it as one big document. Later, when there were new oaths, we recorded those. The revocations are easy. A newly elected official must have an individual oath.

It can have some practical implications. We had a situation, a number of years ago, when a local, disbarred attorney got a speeding ticket. He came into our office, looked through every record, and guess what? The only person without a recorded oath of office was the arresting deputy. The guy beat the ticket on those grounds.

Assemblyman Goicoechea:

In a number of the jurisdictions I represent, when issuing an oath of office to the newly elected officials, all their deputies were there too. When there is a new sheriff, I believe it is a legal point that could be challenged.

Alan Glover:

As a Recorder I would prefer to have one long list; give me a computer printout or a typed list of everybody to be revoked, and it will be recorded as one document. I do not want to sit and record 100 revocations of office.

Assemblyman Goicoechea:

That is what I was thinking. If you get into Clark County or Washoe County, it could be cumbersome.

Alan Glover:

Absolutely.

Chair Kirkpatrick:

With that, I would welcome anyone who would like to speak in favor of A.B. 139. Is there anybody who would speak against A.B. 139? [There were none.] The hearing on A.B. 139 is closed.

Chair Kirkpatrick:

At this time I would like to invite our guests, who have waited so patiently, to come to the table and give their presentation on Washoe County's Water Department.

Rosemary Menard, Director, Department of Water Resources, County of Washoe:

Thank you for inviting us today. I am the "brand new" Director of the Water Resources Department of Washoe County. Rather than giving the presentation myself, I brought someone who actually knows something of what is going on there. I would like to introduce Jeanne Ruefer, the Water Resource Planning Manager for Washoe County. She will walk you through the presentation. I believe you have the handout before you ([Exhibit F](#)).

Jeanne M. Ruefer, Water Resource Planning Manager, Department of Water Resources, County of Washoe:

Yesterday afternoon, when preparing for today's presentation, I looked through all of your biographies on the Legislative Website. I was interested to note that I have spent time in each of your districts, when I was the state floodplain manager. In addition, I happen to live in Ms. Parnell's District 40 and have had the pleasure of campaigning for her re-election this year.

I would like to walk you through the material you have before you, and not take up too much of your time. The Department of Water Resources (DWR) was established in Washoe County in 1997 by the Board of County Commissioners. It combined the Utility Division, which managed the water and wastewater facilities, located in Public Works, and the Planning Division, located in the Department of Community Development. The Washoe County Department of Water Resources is the only water agency in Nevada providing integrated water resource management and planning. It has been called "cradle to grave" water resource management.

On page 3 of the handout, you will see a table that identifies water services in Washoe County and who does what. You will note that Washoe County is at the bottom of the list of responsible organizations providing services. We, [Washoe County Department of Water Resources] provide services in each of the 10 categories that are listed there.

The Department of Water Resources consists of four divisions. The four divisions are: Engineering, which does the facility planning for the Department of Water Resources; Finance and Customer Service; the Utility and Operations Division; and, then, the Planning Division, which is the division I am responsible for, with five programs in the Planning Division. Later in the presentation I am going to present three of the major programs to you. In the interest of brevity, I am not going to go through all 10 of the services that we provide.

Washoe County Water Resources has 106 staff positions and we manage over 40,000 customer accounts, including water, sewer, and reclaim. We have a \$41.5 million operating budget for fiscal year 2007, and a \$119.9 million capital improvement budget planned for fiscal year 2008.

The figures on the following pages of your handout show our utility service areas. We manage 20-plus groundwater systems for municipal service. We have a surface water treatment plant on line. It is what we call our Longley Lane plant. We are also planning another surface water treatment plant for 2008, and that is referred to as the South Truckee Meadows Water Treatment plant.

That water treatment plant will take surface water from the tributary creeks; the two branches of White Creek and Thomas Creek, and treat that water for service in the South Truckee Meadows area, including the Double Diamond and Damonte Ranch Development. It will fill in the pastures and flood plains of the former Double Diamond and Damonte ranches. As I mentioned earlier, DWR has a \$120 million capital project planned in Fiscal Year 2008, including the construction of the South Truckee Meadows Water Treatment facility for \$48.5 million dollars. The Pleasant Valley Sewer Interceptor is going to be built in two phases for \$15.5 million, and the Spanish Springs Phased Sewering Facility, in response to a nitrate contamination problem in Spanish Springs Valley, will be built for \$20 million.

I would like to tell you just a bit about the three planning programs that the Department of Water Resources manages for the region. The first of these is the Regional Water Planning Commission. The Water Planning Commission was created by legislation in 1995 and it is governed by *Nevada Revised Statutes* (NRS) 540A. The Commission consists of 9 voting members. It has

representation from the three jurisdictions, Reno, Sparks and Washoe County, a representative from the Truckee Meadows Water Authority, who, I understand, was here visiting with you last week, a representative from the Sun Valley General Improvement District, representation from the conservation district, environmental interests are represented, the Pyramid Lake Paiute Tribe is represented, and domestic well owners are also represented on the Commission.

The Commission's planning area extends north to include Red Rock, Bedell Flat, and Warm Springs Basin, as shown on the map in your packet. The Regional Water Planning Commission is responsible for the preparation of the Regional Water Management Plan. The work of the Planning Commission is funded by a 1.5 percent fee on all water bills in the planning area. It generates approximately \$1.2 million annually.

The plan prepared by the Regional Water Planning Commission, which is covered by statute, refers to existing and future water supplies, groundwater and surface water quality, wastewater facilities, flood control and drainage facilities, and, maybe most importantly in our water-scarce State, water conservation. The plan has four goals: to provide sustainable water supplies; to provide wastewater treatment and disposal that is sustainable; to provide for flood control and storm water management; and to provide for the implementation of the regional plan, which the water plan must conform with. There are 36 policies that have been identified for implementation of the water management plan. Their objective is to provide efficient use of resources, acceptable levels of service to the community, sustainable water supplies, integrated water shed management, and coordinated infra-structure planning.

The Regional Water Planning Commission conducted 24 independent studies: They included facility plans, identification of recharge areas, and identification of available water rights, and they rolled all those investigations into an update of the Regional Water Management Plan in 2005. The plan is currently being reviewed for a scheduled update in 2008.

Another program that the Department of Water Resources manages for the region is the Central Truckee Meadows Remediation District, (CTMRD). The Remediation District was also formed in 1995 in response to perchloroethylene or tetrachloroethylene (PCE) contamination in groundwater in the Central Truckee Meadows area. In the late 1980s and 1990s, PCE was found in municipal water supply wells in the Central Truckee Meadows. In order to avoid a Superfund listing for that important economic driver in Northern Nevada, the remediation district was formed to provide mitigation for the problem.

The areas of investigation for the CTMRD include well head treatment, source identification, source remediation, groundwater monitoring, numerical groundwater modeling, and sewer monitoring. The program is funded based upon water usage by the wholesale and retail customers of the Truckee Meadows Water Authority because they are the folks who are being most impacted by the use of groundwater in the Truckee Meadows. The fees are established annually through an ordinance that is passed by the Board of County Commissioners, and it generates approximately \$2 or \$3 million annually for the purposes of implementing the remediation district programs.

The program actually represents a partnership that we try hard to maintain. The Washoe County Department of Water Resources works very closely with the Truckee Meadows Water Authority, whose wells are impacted by PCE, with the Nevada Division of Environmental Protection, with the Washoe County District Health Department, and with the two cities (Reno and Sparks), because those cities are responsible for managing the sewer system in Reno and Sparks.

We have learned, through the groundwater monitoring program, that PCE is not located everywhere in the Central Truckee Meadows. It is actually located in 10 distinct plumes. Some of those plumes are associated with ongoing sources of contamination. By preparing a numerical groundwater model, we can predict how fast those plumes are traveling and in what direction; we can provide mitigation in advance of the PCE affecting any future municipal water supply wells. Of the 10 distinct plumes identified in the Truckee Meadows, four of them have been identified as ongoing sources of PCE and have been referred to the Nevada Division of Environmental Protection for further action.

The final program I would like to talk about today, and which has been ongoing in Washoe County for many years, is our hydrographic basin investigations and groundwater modeling. The Department of Water Resources collects data in over a dozen hydrographic basins in Washoe County. That data includes precipitation data, water level data, stream flow data, water quality or water chemistry data, and any pumping data that may be available. Some of these basins are not developed and have no wells, so we cannot collect pumping data unless we drill a well and collect that data. We also utilize a geophysical analysis to ascertain what the geographic structure is through these basins. We compile this data into a numerical groundwater model. The model then can be used to predict what the perennial yield of the basin is, what the effects of water development might be, and what the effects of wastewater disposal might be in the future when those basins are developed.

We rely on these numerical groundwater models to effectively manage the groundwater resource. Our goal is to utilize standard methods for data

collection and data analysis, to create individual basin models that we can "stitch" together at the boundaries and develop a "giant" regional model. We will have a good handle on what kind of water resources are available in northern Nevada and Washoe County, and how we can utilize them in a sustainable way to manage resource development.

We have six models developed already and are working on developing several more. We utilize state-of-the-art tools for analysis and gathering of this data. It is very important to continue this program in northern Nevada.

That concludes my presentation, Madam Chair. I would be happy to answer any questions.

Assemblyman Settlemeyer:

With the EPA (Environmental Protection Agency) changing the ruling on water systems, saying they must comply with the arsenic standard change from 50 to 10 parts per billion by January 23, 2006, how is Washoe County doing with that? Do you have much of an arsenic problem in your area?

Jeanne Ruefer:

Washoe County identified that concern as an issue many years ago. We have performed facility planning to identify how to deal with the issue, and we have handled it in a couple of ways: one, through the construction of our Longley Lane Water Treatment facility. That facility was built to accept not only surface water from the Truckee River, but to also take any groundwater impacted by arsenic, and treat it, so it then can serve the Hidden Valley service area.

Two, we also are constructing the South Truckee Meadows Water Treatment facility in the Damonte Ranch area. That facility, also, will have the ability to treat groundwater and surface water that is impacted by arsenic and other constituents of concern. We have never been able to utilize the groundwater in that Double Diamond/Damonte Ranch area because of the arsenic levels and other water quality issues associated with that water. With the building of this treatment plant, we now have the ability to utilize that resource. It is a great groundwater resource because that area is a large discharge area with water readily available, but, previously, not of good enough quality to use. That is how we have addressed that issue.

Assemblyman Goicoechea:

I am looking at your hydrographic basins and some of the perennial yields on them. As I look at some of these basins with only 100 acre feet and 25 acre feet, it clearly must be unappropriated water remaining in those basins, and I do not know how you can estimate it.

Jeanne Ruefer:

The perennial yield estimates that you see are just that, perennial yield estimates. You are absolutely correct. Some of those basins do not have very much water in them.

The map that is shown on the previous page is of the bedrock basin, in southern Washoe County. I would like to spend just a second describing what you are seeing there. This map represents the bedrock basin of the area. The cool colors, the blues and greens, represent areas where the depth of bedrock is greatest. In other words, it is where the greatest amount of water might be. The availability is questionable. However, as you can see, most of the areas are yellow to brown. That means those areas do not contain very much water. We have a groundwater basin in Washoe Valley, which is the blue area on the southern portion of the map. We also have, interestingly, a groundwater storage capability on the west side of McCarran, at the McCarran Ring. The blue area, further to the north, is Long Valley. By doing these geophysical investigations we can get a better handle on just how much water availability there may be in these northern Nevada basins.

Assemblyman Goicoechea:

As I look at the larger basins, especially the Smoke Creek and Surprise Valley Basins, they do have water but are shared basins with the State of California.

Jeanne Ruefer:

You are absolutely correct. What we are doing, presently, in those basins to the north, is collecting precipitation data. In Smoke Creek Valley, quite a bit of work has been done by folks who were interested in putting a power plant in the Smoke Creek Desert. They have backed off from those plans now and are no longer pursuing their investigations. We have also been collecting data in Smoke Creek for many years, and will continue to collect data from other basins like Hualapai, High Rock, Surprise Valley, and those basins to the north. We are not intending to develop those resources, but we need to understand them in order to manage effectively.

Assemblyman Kihuen:

What is the cost of your data program and how far are you into the process?

Jean Ruefer:

Because it is labor-intensive and there is not much outsourcing required for collecting this data, the data collection program is not a costly program. The data is collected by our staff and by the interns we hire from the University of Nevada. The data is then stored in a data base with a standardized method for archiving it for current and future uses. The budget for my division is under

\$1 million a year, and that includes staff time, which is probably the most expensive part of the budget.

Chair Kirkpatrick:

Does anyone else have any questions? [There were no further questions.]

We will now introduce a couple of BDRs.

BDR 20-354—Authorizes a Board of County Commissioners, under certain circumstances to impose a civil penalty instead of a criminal penalty for the violation in certain ordinances. (Later introduced as [Assembly Bill 221](#).)

This was requested by Clark County.

ASSEMBLYWOMAN PIERCE MOVED TO INTRODUCE BDR 20-354.

ASSEMBLYMAN STEWART SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

BDR 18-545—Revises provisions relating to state finance administration. (Later introduced as [Assembly Bill 220](#).)

This was introduced by the Secretary of State.

ASSEMBLYMAN KIHUEN MOVED TO INTRODUCE BDR 18-545.

ASSEMBLYMAN BEERS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Kirkpatrick:

Government Affairs is adjourned at 9:15am

RESPECTFULLY SUBMITTED:

Mary Kay Doherty
Committee Secretary

APPROVED BY:

Assemblywoman Marilyn K. Kirkpatrick, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Government Affairs

Date: February 28, 2007

Time of Meeting: 8:00 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
	C	Assemblywoman Womack	Small American Flag
	D	Ron Gutzman, National Executive Committeeman, The American Legion	Prepared speech
AB 134	E	Assemblywoman Womack	Proposed amendment
	F	Jeanne Ruefer, Water Resource Planning Manager, Department of Water Resources, County of Washoe	Presentation