

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

**Seventy-Fourth Session
March 20, 2007**

The Committee on Government Affairs was called to order by Chair Marilyn K. Kirkpatrick at 9:00 a.m., on Tuesday, March 20, 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 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 Settelmeyer
Assemblyman Lynn D. Stewart
Assemblywoman RoseMary Womack

GUEST LEGISLATORS PRESENT:

Assemblyman Marcus Conklin, Assembly District No. 37



STAFF MEMBERS PRESENT:

Amber Joiner, Committee Policy Analyst
Scott McKenna, Committee Counsel
Emilie Reafs, Committee Secretary
Olivia Lloyd, Committee Assistant

OTHERS PRESENT:

Mark Fiorentino, Kummer, Kaempfer, Bonner, Renshaw & Ferrario,
representing Lamar Outdoor Advertising
Kimberly McDonald, Legislative Affairs Advocate, City of North Las Vegas
Daniel C. Holler, Douglas County Manager
John Hiatt, Private Citizen, Enterprise, Nevada
Tom Perrigo, Deputy Director of Planning and Development, City of Las
Vegas
Flinn Fagg, Office of Planning and Development, City of Las Vegas
Lisa Mayo-DeRiso, Scenic Nevada
Nicolas Anthony, Office of the City Manager, City of Reno, Nevada
Robert Joiner, AICP, Government Affairs Manager, City of Sparks,
Nevada
Shaun Jillions, Legislative Advocate, City of Henderson, Nevada
Mary C. Walker, representing Carson City, Douglas County, and Lyon
County, Nevada
Walter A. Sullivan, AICP, Carson City Planning Director, Carson City,
Nevada
Sabra Smith-Newby, Director of Intergovernmental Relations, Clark
County, Nevada
Jim Stobaugh, Lands Program Lead, Nevada State Office, Bureau of Land
Management
Juan Palma, Field Manager, Las Vegas Field Office, Bureau of Land
Management
Susan Meuschke, Executive Director, Nevada Network Against Domestic
Violence
Michael Pennington, representing Reno-Sparks Chamber of Commerce,
and Nevada Housing Coalition
Ernest K. Nielsen, Attorney, representing Washoe County Senior Law
Project, and Nevada Housing Coalition
Ann Harrington, Nevada Housing Coalition and Washoe County Regional
Housing Task Force
Jack Mayes, Executive Director, Nevada Disability Advocacy & Law
Center
Dino DiCianno, Executive Director, Department of Taxation

[Roll Call, Call to Order 9:00 a.m.]

Chair Kirkpatrick:

We will hear from the Bureau of Land Management (BLM), both north and south. We have two bills, but first we will introduce a BDR.

BDR 0-638—An Act relating to veterans; providing a definition of "veteran" for general application to Nevada Revised Statutes; revising certain obsolete and inaccurate terms; expanding the eligibility of certain veterans for certain tax exemptions and governmental programs; and providing other matters properly relating thereto. (Later introduced as [Assembly Bill 486](#).)

It was requested on behalf of Veterans' Services.

ASSEMBLYWOMAN PARNELL MOVED TO INTRODUCE
BDR 0-638.

ASSEMBLYMAN KIHUEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will now open the hearing on [Assembly Bill 438](#).

**[Assembly Bill 438](#): Revises provisions relating to outdoor advertising structures.
(BDR 22-906)**

There was some confusion about when the bill was put on the agenda. The bill was listed as a BDR last week. We do not move things out without a full work session.

Assemblyman Beers:

I need to make a disclosure on [A.B. 438](#). My employer for my day job is a company that designs and manufactures billboards. I have a pecuniary interest in this industry.

Assemblyman Claborn:

I have a few mobile home rentals, and if I were to convert them to real property, I need declare that as well. [[A.B. 358](#) was rescheduled for March 21, 2007.]

Chair Kirkpatrick:

Both disclosures are noted for today's bills, the hearing will not preclude you all from staying.

Mark Fiorentino, Kummer, Kaempfer, Bonner, Renshaw & Ferrario, representing Lamar Outdoor Advertising:

I want to start with some background. Although the title of the bill uses the terms billboards and outdoor advertising, the heart of the issue addressed in this bill is property rights.

This bill partially clarifies and partially extends protections that were adopted by the Legislature first in 2001 and then again in 2005. There are two different issues in the bill, and I would like to take them one at a time.

The first is what happens when a local government allows an outdoor advertising company to build a structure, and then later, for whatever reason, decides that the sign is no longer appropriate and asks the sign company to remove the structure.

The second deals with an issue that was dealt with in the last session, which is what happens when an outdoor advertising company has an existing structure along a freeway, and a sound wall or similar structure is constructed in a way that destroys the visibility of the sign.

In the first issue, what happens if the municipality allows you to build the sign and then later says that they want you to take it down? An example that sets the tone: let us pretend that we are dressmakers. You go to your local government, which issues you all the necessary approvals, permits, and zoning. You then open your shop and hire employees, purchase inventory and trucks, and begin delivering dresses. Then the government says that dressmaking is no longer appropriate in that particular location, or at all. That might sound like an exaggeration or an extreme example, but it is a real threat and is happening to the outdoor advertising industry.

Traditionally, local government codes have set one of two ways to get the billboard approved initially. The first was addressed in the 2001 Session. Most local government codes set forth a set of standards, such as height, setbacks, and separations from other uses. If the sign meets the standards, the sign company files an application, the local government issues a permit, and the company constructs the sign.

Prior to the 2001 Session, local governments began to consider, and some had adopted, what are called amortization ordinances. Those state that the local

government understands that they issued the permit to build the signs, but they want the company to now take the signs down. The local governments have then set up timeframes of five or ten years for the removal of the signs. The outdoor advertising industry came to the Legislature to protest because they have a lot invested in the signs and make decisions based on those investments. If local governments want the billboard companies to take down the signs, they have to give the sign owners one of two options. The local governments have to either give an alternative location for the sign or pay for the sign. In 2001, the Legislature adopted a law that said exactly that.

The other way that local governments approve billboards is what we are trying to address today. Some local government codes have a process where by one files a discretionary application, all the surrounding property owners receive notice, there is one, if not two, public hearings, debate, and a decision is made if the location is appropriate. When approved, the local government then issues a use permit or some other similar approval.

Some local governments have been approving those use permits but with a requirement that the sign is subject to review periodically, in which the local government has the option to say the sign is no longer appropriate. Those reviews have varied from six months to two or five years and sometimes longer, depending on the location of the structure.

We submit to the Committee that is exactly the same situation that was addressed in 2001, but it is now being approached slightly differently. The local government made a decision that the sign was appropriate but then changed their minds; so the government should either allow the sign to be moved or compensate the affected parties when the sign is removed. I want to make it clear, because the intent and the actual language of the bill are sometimes confused. This bill does not in any way limit a local government's authority to regulate billboards. They can ban them either directly or indirectly by adopting standards that cannot be met. It also does not preclude the local government's ability to demand removal. The bill simply states that if an existing billboard is required to be removed, the local government either has to allow the billboard to be moved or compensate the parties.

The sound wall issue was addressed in 2005, and it is a simple issue. A number of freeways are requiring sound walls, for whatever reason. When the walls are constructed, however, the walls often destroy the visibility of a sign, canceling its value. In 2005, the Legislature passed legislation that stated if a sound wall is built, one of three things must happen: one, allow the outdoor advertising company to raise the sign or change its angle; two, allow the company to relocate the sign; or three, adjust the sound wall project so that it

does not impact the visibility of the sign. The implementation was left to local ordinance, and in the interim two barriers have been discovered. The first is when the sign height adjustment is allowed, there has been a restriction on how high, to whatever the current code states. In some instances there was no benefit; for example, if the code states 50 feet, and that is still below the sound wall, then there is no improvement. The second instance is that a number of the local governments adopted ordinances to either move or adjust the height of signs, but only if the sign would then be subject to review.

It sounds like an exaggeration, but I will use another example. Let us say you are a rancher and have made your living raising cattle. You have to move your cattle to market every year, but then one year the local government comes and puts up a fence. You then say the fence will put you out of business if you cannot move your cows to market, so you go to the State Legislature to ask that a hole be put in the fence so that you can move your cows. The Legislature did so but left the details of implementation up to you and the local government to work out. When the details come up, the local government agrees to put a hole in the fence, but it is either not big enough or you would then have to agree that this would be the last year you would move your cows to market, and in five years the municipality wants the cows gone entirely.

There are millions of dollars and hundreds of jobs at stake. If you are any business owner, how do you plan when and where to invest if you do not know whether or not you will be required to move the sign structure in the future? Nothing in the bill says that local governments cannot adopt either complete bans or restrictions. The bill only focuses on signs that are already in existence and states that: if you are going to cut off a revenue stream for a business, the local government either has to give the business owner a place to relocate or compensate him for his loss.

Assemblyman Atkinson:

How long would a structure be up before these issues arise? If the sign had been up 20 or 30 years and the local government then said it needed to come down, would the company still need to be compensated?

Mark Fiorentino:

Yes, we do.

Assemblyman Goicoechea:

What happens under existing statute if a local government requires you to move a billboard?

Mark Fiorentino:

Under existing law, if local governments require you to remove a billboard, they have to compensate you for it or they have to allow a different location.

Assemblyman Goicoechea:

On page 6, lines 1-5, I really do not understand. There will be a public hearing with the owner of the sign and the owner has the opportunity to be heard, then we go to Section 3, paragraph 5(b), "Unless at the public hearing required pursuant to paragraph (a), the city or county affirmatively finds that the conditions have changed...."

The first paragraph says that there will be a public hearing and then the second paragraph says the hearing is when they find out that conditions have changed? I assume they are holding a public hearing in the first place because things have changed.

Mark Fiorentino:

That is correct. What those paragraphs say is, once local governments have gotten to the point where they think circumstances have changed and they want the billboards removed, then they must hold a public hearing and make certain findings. The end result is still the same: if they make the findings that the billboard is no longer appropriate, then they have two choices, to relocate the sign or compensate the business for lost investment.

Assemblyman Goicoechea:

There is nothing here that supersedes or takes the place of local ordinances, so local governments do still have control in these instances.

Assemblyman Stewart:

Who determines the value and how is the value of the sign determined?

Mark Fiorentino:

That was set in the 2001 legislation and we are not proposing any changes. It is standard condemnation law: the city would say what they think the sign is worth. If the sign owner were to disagree they could go to court and a judge would determine the value. The statute sets out a few factors to determine the value of the sign, such as revenue stream and whether its particular location is unique. The ultimate answer is if the owner and the local government cannot agree, it is a judge who decides, just like standard condemnation law.

Assemblywoman Pierce:

The way the bill is written now, if a billboard is required to be taken down, the city has to pay the sign owner or find a new place to put the billboard. Now when a city decides this, it is a surprise, and the difference the bill would make is that it would set up a periodic review. Do I understand that correctly?

Mark Fiorentino:

The easiest way to understand it is, it depends on the local code and how the local code set up the structure for the sign to be approved in the first place. Most local codes do not have a discretionary process, they simply require that a set of requirements be met and then the necessary permits are issued. In 2001, the Legislature stated that a local government cannot change its codes to deem signs no longer appropriate, and some local governments had done that by ordinance.

What the Committee is addressing today is the other way that local government approves signs, which is a different process. The other process involves a public hearing, notice to stakeholders, a debate, and a decision that the sign is appropriate today, but we may later decide that the sign is no longer appropriate. When the decision is made that the sign is no longer appropriate, then the local government should either compensate the sign owner or find a new location for the sign. This bill is adding the same provisions to the other process by which signs are approved.

Assemblyman Claborn:

I am going to look at this from a different perspective. Let us say there is a sign owner who is leasing property from a city, county, or private property owner, and sound walls are built. The walls then make the sign ineffective. What would be the outcome then?

Mark Fiorentino:

That is what the second half of this bill addresses. The impacted revenue stream not only impacts the outdoor advertising company, but also affects the property owner because he is receiving rent for the right to place the sign.

Assemblyman Claborn:

If you had a sign and, for example, the State built something in front of your sign, you could petition the State. Is that correct?

Mark Fiorentino:

That is the way the bill was written in 2005, when it was approved. That issue has already been addressed. If I am the sign owner, I can go either to the State or the local government and request any of three choices: to move the sign,

raise the height of the sign, or change the design of the sound wall so the sign is still visible. If the State or local government does not choose any one of those three, it would have to compensate for the sign's value.

Assemblyman Claborn:

Would you still have to have a public hearing to then make the sign effective?

Mark Fiorentino:

This bill addresses public hearings, and that is one of the issues that we faced in the interim. The Legislature already passed the part that says that local governments must allow the companies to change their signs, but the legislation allowed implementation of the rules for that by local ordinance. When we got into discussion about local ordinance, many of the local governments said that they would not allow the companies to change their signs unless they held a public hearing and gave the local government the right to say the sign must be taken down some day. Many of these signs along the freeways are old enough that they predate any use permitting process. They were built in the 1980s when the local governments said build your sign and you get to keep it. They were thus not subject to reviews, but the local governments are now saying that in order to get the protections in the legislation to raise or move signs, the sign owner needs to convert the right so that the sign would be up for periodic review. In order to restore this grandfathered revenue stream, the sign owner has to take the risk that one day he will be told to take the sign down.

Assemblyman Claborn:

It sounds fair to me.

Assemblyman Settlemeyer:

This discussion does not really apply to my community because we have an overall ban. I got an email that confused me about putting billboards on government property; I do not think that occurs. Are not all billboards on private property?

Mark Fiorentino:

That is true. The vast majority of signs are on private property, but some local governments are actually in the outdoor advertising industry. They are leasing public space to the billboard company and are receiving advertising revenue. This bill would also protect those signs.

Assemblywoman Womack:

When you talk about compensation, is that compensation just to the sign company or also to the landowner from whom the company is leasing the land?

Mark Fiorentino:

It is both. We have not changed that provision. When the Legislature first adopted the law in 2001, it required compensation to both the landowner and the sign owner because they would both be harmed.

Assemblywoman Womack:

It would not be two cases, but compensation shared by the two parties?

Mark Fiorentino:

That is correct.

Chair Kirkpatrick:

On page 8, paragraph 4: "The Department shall not require a special use permit..." I think that part is confusing.

Mark Fiorentino:

That is a typographical error.

Assemblyman Goicoechea:

If you are given the ability to change the height and angle, you do not have to go to public hearing for that?

Mark Fiorentino:

Under this bill that is correct.

Chair Kirkpatrick:

Are there any more questions? [There were none.] Are there any other speakers in favor of A.B. 438? [There were none.] Are there speakers who are neutral on A.B. 438?

Kimberly McDonald, Legislative Affairs Advocate, City of North Las Vegas:

At this point we are neutral; however, we reserve the right to change our position as this bill is refined. Working with Jennifer Lazovich has addressed some of our concerns, particularly in retaining our City Council's authority to have final action. We also do not have areas where we could put sound walls, we prohibit billboards along our I-215 corridor, and so this bill may not affect us the way it does some other cities.

Daniel C. Holler, Douglas County Manager, Nevada:

We have a prohibition on billboards on properties under the county's regulation. It is good to hear that the ability to maintain that ban is allowed. The second issue is about not having the ability to have a special use permit. That is the one tool we utilize in reviewing off-site signage that does not have an impact on

property owners. If you can move the sign to any other site without any review, that would be a concern. I want to make sure the public hearing process is retained if the sign is relocated.

Chair Kirkpatrick:

Those who would like to speak against A.B. 438; I am going to call you up in threes. We are going to start in Las Vegas.

John Hiatt, Private Citizen, Enterprise, Nevada:

I live in Clark County in the unincorporated town of Enterprise, where I am the Chair of the town advisory board. We are concerned about this bill because Enterprise is the fastest growing part of unincorporated Clark County and we have seen lots of new billboards in our areas. Without the ability to have some review period on this, we are basically locking in a use which may turn out to be undesirable in future years. Part of that undesirability stems from the evolution of signs in the billboard industry. What we are seeing along the I-15 in the Las Vegas Valley, is a transition from conventional billboards, which have a static print message, to light-emitting diode signs, which change messages. The light-emitting signs are incredibly bright, so what we have thought of in the past as a passive sign becomes active media. The lights in the white phase affect property owners for thousands of feet. To take away the ability of local government to review these signs is going to have a negative impact on property owners near the signs. This bill is all to the advantage of sign companies and does not give local citizens or governments any right to ever say anything, except to say they are going to pay full value for the sign. There is no way to put in a review period, no way to deal with a sign without causing significant financial hardship upon the county and the local citizens.

Tom Perrigo, Deputy Director of Planning and Development, City of Las Vegas:

We have two primary concerns. One is that different uses have different potential impacts on the community and the neighborhoods. This limits our ability to use zoning controls to effectively manage those potential impacts. Secondly, without the required review, it limits the neighbors' ability to be heard in a public hearing regarding public use.

Flinn Fagg, Office of Planning and Development, City of Las Vegas:

Looking specifically at the bill as it is proposed, page 1, line 3 would eliminate the ability for required reviews by local governments. In the City of Las Vegas, a special use is defined as one that has greater impact or is more intense than uses that are permitted by right. Consequently, a review period is appropriate due to the impacts of these uses, and we request that language be removed or revised. We agree that a minimum review period would be appropriate, and we look for language to that effect.

The next issue is with page 4, line 11, where it eliminates the process of a public review when the height of a billboard is changed, relative to freeway sound walls. We do not disagree that billboard heights should be able to be raised where a sound wall impacts the visibility of the billboard. However, it completely eliminates the ability of residents to have a voice concerning the raised height of billboards. When billboards are first approved, they have a certain impact, but when they are raised, that changes the impact of the billboard. It makes them more visible from residential neighborhoods, therefore residents and citizens should have the ability to comment when the height of a billboard is raised. Those are our primary issues with the legislation; the bill is salvageable, but does need some work.

Tom Perrigo:

We would be happy to work with the authors of the bill on the concerns that we have.

Chair Kirkpatrick:

What time frame are you looking at for a review?

Flinn Fagg:

We would look at a five-year review period.

Assemblyman Goicoechea:

If the language on page 4, line 11 were amended to require public hearing when you were going to adjust the height or angle of a sign, and understanding in that hearing that the local people did not want it changed, then the local government would be on the hook to provide another site for the sign or purchase the sign at that point. Do you see it that way?

Tom Perrigo:

Yes, that is correct.

Chair Kirkpatrick:

What is your current maximum height?

Flinn Fagg:

Typically the height of billboards is limited to 50 feet, but we have language in our existing code that allows those to be raised as approved by the City Council where there are obstructions such as an overpass or sound wall. The sign can be 30 feet over the height of the sound wall or the overpass.

Chair Kirkpatrick:

Do you require an initial public hearing?

Tom Perrigo:

Yes, that is correct.

Lisa Mayo-DeRiso, Scenic Nevada:

I am here today because this bill essentially takes public input from the billboard process. If you look historically at places like Douglas County, Boulder City, Henderson, Clark County, and even the city of Las Vegas, it is through public input that the concern about the proliferation of billboards in our communities has resulted in moratoriums and areas where billboards are not allowed. This has happened across the country.

This bill is another way to chip away at the public input process. Local leaders need to know how citizens feel about billboards on their highways, blocking views in their neighborhoods. I would like some clarification in the Legislative Counsel's Digest section regarding:

...prohibits a city or county from conditioning the issuance of a special use permit, conditional use permit, variance, waiver, condition of zoning or any other approval for the use of land that is necessary to construct or erect an outdoor advertising structure on allowing or requiring the city or county to conduct a review of the outdoor advertising structure.

When Mr. Fiorentino first started speaking, he was specific in saying that this bill only related to billboards already in existence. It is confusing to me when it says no zoning approval "for the use of land that is necessary to construct or erect an outdoor advertising structure." I would like to know that this is just about existing billboards and not new billboards.

Scott McKenna, Committee Counsel:

Looking at the bill right now, it appears to me that this sentence in the digest is not accurate. The bill does just apply to existing advertising structures.

Lisa Mayo-DeRiso:

Will that be changed as the bill moves forward?

Scott McKenna:

That would be easy to do.

Nicolas Anthony, Office of the City Manager, City of Reno, Nevada:

I would like to echo some of the earlier concerns. Staff received this bill yesterday and I got some comments this morning. We would appreciate the opportunity to work with the sponsors on this language. There are some concerns, specifically in Section 1, which looks like it could apply to future billboards. There are some concerns about eliminating the government's review and right to condition those billboards. Section 3, paragraph 5(b) raises a number of concerns because it seems to require affirmative findings by the City Council, and that could set us up for litigation. Also the words "harmonious" and "compatible" seem to be synonymous in case law, and so we would ask for the opportunity to work with the sponsors to see if there is some middle ground. This is an issue that has been before you at least three sessions and we would appreciate a little more time.

Robert Joiner, AICP, Government Affairs Manager, City of Sparks, Nevada:

What I have heard in the testimony from the proponents is a simplistic way of describing local governments. Our governments are unique. In Sparks, there is an ordinance that was adjudicated by a judge because of a lawsuit by a billboard company against the city. Therefore, we do not have discretionary permit approval; instead it is a very strict standard of location and height. A property owner has a right to certain signage whether on or off premises, we do not differentiate. That was the standard that the judge applied, and it is spreading across the nation because of lawsuits. We have a standard we have to hold to, but we still found a way to accommodate the one existing structure that was blocked by the sound wall.

In the sections of *Nevada Revised Statutes* (NRS) 278.0213 you are proposing to amend, the first test is whether the sign is obstructed by a city, state, federal government, or private property owner. The entity obstructing that sign should be required to look at how it can accommodate and not automatically put that burden back on local government. The testimony I heard from the proponents, if municipalities try to undo it but cannot, then they must compensate the impacted parties. That is not the case, if you look at paragraph 1(e) of NRS 278.0213; it says that if you cannot find a solution, you can leave the sign obstructed. That is because of cases like Sparks, where we worked very hard to maintain the credibility of our community standards by ordinance because there are cases in which we cannot relocate or adjust signs, and that is something that the person putting up the sound wall should have to consider.

We found last session, in long work sessions, that there is no sound science to sound attenuation. There is no exact standard by which the federal or state highways administrations determine how high or how far sound walls should go. Walls are something done by the State Department of Transportation.

We did not ask for the sound walls in Sparks. They were put up without discussion, or we would have told the administration that the few residences they thought they were protecting are in an area where the homeowners are being relocated under redevelopment law. A quarter of our city is blocked from visibility from the highway, and landowners are economically deprived because signs are not visible.

I just want you to be aware that local governments are unique. Some have special use permits required for good reason, and they have discretionary approvals. Many of us do not have amortization because that too is ripe for lawsuit, and that is what Sparks was found to be violating. We do not ban billboards, and we have new locations where billboards can be applied but not always. As Mr. Anthony mentioned, no two locations are ever the same. It can always be argued, and it sets the local governments up for litigation. I am very confused if these are existing billboards or new billboards being referred to in the bill because the language says "on or after June 6, 2005." That was the end of last session, and so I guess they are trying to go back to that and say anything after that is new.

Shaun Jillions, Legislative Advocate, City of Henderson, Nevada:

Mr. Anthony did a good job of raising the issues in the sections that we have some concerns about, specifically Section 3. We are not against just compensation for these property owners, just the affirmative findings language that could perhaps end up in a lawsuit situation. We feel that existing statute adequately protects them.

Assemblyman Stewart:

When these sound walls are first put up, do the billboard companies or the public in general have any input? I have noticed, in some cases, they are ugly, block views, and do more harm than good. Who puts them up?

Robert Joiner:

I will give you the most recent example, the "Spaghetti Bowl" in the Reno-Sparks area, where I-80 and 395 intersect. Neither the City of Sparks, nor our property owners were counseled on that. I was surprised to find that there is neither a strict standard nor an exact science to sound attenuation as we went through the last session to come up with the standards in this section of NRS 278. It is very difficult to get anyone to identify walls that cannot be adjusted. The billboard industry pointed out example after example in other states, and other State Departments of Transportation allow walls to be amended so they do not block existing billboards. There are examples of windows in walls or where walls go around the billboards.

Chair Kirkpatrick:

I want to move this along, so maybe we can get with the Nevada Department of Transportation (NDOT) and see what their regulations are, because they may be different throughout the State.

Mary C. Walker, representing Carson City, Douglas County, and Lyon County, Nevada:

With me today is Walter Sullivan, from the Carson City Community Development Department. We have some concerns and we would be amenable to working with the sponsors of the bill to alleviate those concerns.

Walter A. Sullivan, AICP, Carson City Planning Director, Carson City, Nevada:

Carson City has had a revised billboard ordinance for about 20 years. We worked with the billboard industry when we revised our code. Since then we have approved 35 to 40 billboards through the city, and they have use permits. The use permits are reviewed on a five-year basis, and during that time we can put in new standards if those standards are approved through our legislative process. All billboards have gone through the review process, which was initially approved in 1988, reviewed in 1993, 1998, and 2003 and is up for review next year. Not one has been removed by city action; some have been removed by development, but not by city action. The city has concerns with the bill, and we have been in contact with the bill's sponsor because we feel our ordinance, while not perfect, serves Carson City well. We have had a good working relationship with the billboard industry, and we would like to continue that.

Sabra Smith-Newby, Director of Intergovernmental Relations, Clark County, Nevada:

I would like to echo many of the previous comments. With less than 24 hours to review the bill, my staff has not been able to give me specific comments, but is opposed nonetheless. It removes a tool and forces a question of either irremovable billboards or no billboards at all. Unfortunately billboards are neither dresses nor cows, and this is about property rights, those of the billboard owners as well as those who reside in the vicinity of billboards. We would like to stand up for those people's rights, as well. We are willing to work with the bill's sponsor to come up with language that will address everyone's concerns.

Assemblyman Goicoechea:

Mr. Sullivan, you talk about going through the five-year review process. If you reviewed a sign and decided that a sign has to go, is it the city's understanding that they would compensate the sign company for the removal?

Walter Sullivan:

We would either compensate for removal or relocate the sign.

Chair Kirkpatrick:

I have a question of Research. Ms. Joiner, I would like you to send out a letter to all local governments asking for copies of their billboard ordinances and their review processes. I would like to have it before Monday and I will share it with the Committee. Is there anyone else who would like to speak on this bill? Mr. Fiorentino, will you come back to the table?

Assemblyman Atkinson:

I wanted to clear up a few things before we close the hearing on this. This is just about existing structures, is that correct?

Mark Fiorentino:

Yes.

Assemblyman Atkinson:

What is your objection to having a review process?

Mark Fiorentino:

We are not necessarily opposed to the review process; no wording in any bill is perfect as to its intent. What this bill says is: local governments can hold a public hearing when they first make the decision, and they can hold a public hearing when the decision is that the sign has to be removed. As long as the end result is that if the local government tells the company to remove the sign, they either let us relocate it, or compensate us for it. We can agree on language that makes that clearer. We are not opposed to local government's ability to respond to changing circumstances or their constituents' needs. We are not opposed to the public making the decision initially whether the sign should be constructed and whether it should be removed. The public should pay for it if they make us remove it.

Assemblyman Goicoechea:

As I understand it, the fear of the sign companies is that they would be issued special use permit with this review process, and the review process would then, in fact circumvent the requirement that local governments compensate the company when they demand removal.

Mark Fiorentino:

That is exactly what has happened in at least one jurisdiction.

Assemblywoman Pierce:

My district just got a lot of new sound walls. So when you raised billboards that were behind the sound walls, this bill would prohibit a public hearing at that point, is that correct?

Mark Fiorentino:

That is what the current draft says, but we will get that fixed.

Chair Kirkpatrick:

We are closing the hearing on A.B. 438.

Next we are going to have the presentation from the Bureau of Land Management.

Jim Stobaugh, Lands Program Lead, Nevada State Office, Bureau of Land Management:

The Lands Program involves sales of public lands that the Bureau of Land Management (BLM) holds to state and local governments. I am joined by Juan Palma, who is the Field Manager in Las Vegas, Nevada. We are going to start off by helping the Committee gain an understanding of the Southern Nevada Public Land Management Act (SNPLMA), Section 7(b), which provides this opportunity to make lands available for affordable housing purposes.

Everyone received a packet that I will go through. The first item in the packet is the list of the BLM's Nevada Offices ([Exhibit C](#)). The second is a PowerPoint presentation ([Exhibit D](#)) that highlights SNPLMA, Section 7(b). It is part of the 1998 bill that provides for land disposals in the Las Vegas Valley. This facet of that bill is unique to the BLM and restricted right now to Nevada.

[Slide 2] These are the three key points of the SNPLMA's Section 7(b). The first is that the "BLM in consultation with Housing and Urban Development (HUD), may make available land in the State of Nevada," this is Nevada-wide, "at less than fair market value," which is the uniqueness of the law and limited to Nevada, "under certain terms and conditions for affordable housing purposes." The second is that "Such lands shall be made available only to State or local governmental entities, including local public housing authorities." So the title will pass from the federal government, the BLM in this case, to the state or local governments. Lastly, "Housing shall be considered affordable housing if the housing serves low-income families as defined in the Cranston-Gonzalez National Affordable Housing Act."

The next slide [Slide 3] shows the gist of the Act is: "'Low-income families' means families whose incomes do not exceed 80 percent of the median income

for the area, as determined by HUD." The next page [Slide 4], the proponent is, "Any qualified Nevada State or local governmental entity, including public housing authority, which nominates a project requesting purchase of land," so again the proponents of the nominees are the State and local entities.

If you turn the page [Slide 5] you will see the Determinations of Less than Fair Market Value. We determine through the federal appraisal process the fair market value of the parcels. For affordable housing purposes, there are two categories of development. The first is single versus multi-family development applicability. The second is to apply an administrative discount based upon a respective percent of the Median Income Level. To better understand what this means, turn the page [Slide 6] and you will see a table that shows the administrative discounts. You see at the top, Multi-family development, which is five or more units, or apartments; and single-family development below: homes, duplexes, triplexes or possibly quadruplexes.

You will see, to the right, the two categories of the percent of median income, and as Cranston-Gonzalez requires, the tenants of these lands would be at 80 percent or less of median income. We have two categories for projects, one of which is 61 percent to 80 percent of median income, which would receive a 90 percent discount on those lands; and for those at 60 percent or less of median income we would discount the land 95 percent of the Fair Market Value. The basis for those discounts comes from construction costs, income levels, and sales data, which has been determined by research from HUD.

[Slide 7] There are two entities involved in the nomination process between BLM and HUD. The BLM processes the land sale and conveys the land, so these are simply sales. Housing and Urban Development is the one that sees that the project complies with the affordable housing purposes consistent with 7(b), largely looking at the Cranston-Gonzalez National Affordable Housing Act.

[Slide 8] The key policies I wanted to orient the Committee with are that the "Lands must be identified for disposal through land use planning under our Federal Land Policy and Management Act," that is our originating act, "or by Congress under SNPLMA or other legislation." I want to highlight that this is how we get past go. The lands have been identified for disposal through land use planning, and they are BLM lands, then HUD looks at the project itself. The project must commit at least 50 percent to the affordable housing purpose. No affordable housing purpose shall consider any uses other than residential use. Finally, any lands sold for the proposed project must start construction within five years. We built some performance into the policy so the lands do not just lie unused.

[Slide 9] The next term and condition is, the "BLM may place terms or conditions on disposals, determined in consultation with HUD, appropriate under the circumstances of each case." These would be like a patent restriction or a reversionary clause, or the period of affordability to enforce it for affordable housing purposes. We are learning through our experience that each case is unique.

[Slide 10] The next page of terms and conditions highlights one of the key provisions, the period of affordability. The BLM works with HUD and we determine the length of time the property will remain in use for affordable housing purposes. Restrictions may expire, such as a 15-year or 20-year term, or be in perpetuity which commences upon receipt of the issuance of certificate of occupancy or equivalent. The first example was 15 years. At the end of those 15 years, Clark County will receive full title to those lands, and its user will also receive full title, dependent on the county.

[Slide 11] This page of terms and conditions is about enforcement: "Any restrictions, requirements, or clauses under 7(b) may be made enforceable by HUD, or third party beneficiary in addition to BLM." To help to make sure that we are meeting the intent of the law, the land may revert to the United States upon default of the affordability restriction or may require payment of fair market value, at BLM's option.

[Slide 12] The last page is the nominations, which have a particular form that provides information as to what we require for such proposals. We call it an information guide, and we try to make it as easy as we can for state and local governments to give us the information needed to complete these proposals. That way we can move forward with these unique opportunities and process these land sales as efficiently as possible.

This is a colorful map of Nevada ([Exhibit E](#)). In the red are the lands we have identified through land use planning that are available for disposal in the State. I am giving a state overview. Next, I have printed off the website ([Exhibit F](#)) we have and at the bottom of the page you can see the web address. It explains the law, as well as Cranston-Gonzalez, and also there is a hyperlink to pull up the "Nevada Guidance," which is actually the policies and provisions we have developed to implement 7(b) of SNPLMA. The form, which I referred to earlier ([Exhibit G](#)), helps the local governments work with their proponents to provide the BLM and HUD the information we are looking for to begin the processing of such sales for affordable housing projects. This, too, is available through the website, as well as the "Nevada Guidance" to see all of the policies and provisions in more detail to help in making a proposal to BLM.

The first thing that I showed you ([Exhibit C](#)) has the Nevada BLM Offices. I gave you a map ([Exhibit E](#)) that shows you disposal of lands statewide. If you want to get more specific as to where certain lands ready for projects or proposals are, local governments may contact their field offices for more specific locations. Ron Wenker is our state director. Please contact me if you wish to have us provide this information to a local government.

Juan Palma, Field Manager, Las Vegas Field Office, Bureau of Land Management:

I handed out a spreadsheet that has a number of acres ([Exhibit H](#)) and also a map of the Las Vegas Valley ([Exhibit I](#)) and then some photographs ([Exhibit J](#)). I am going to talk about the numbers. As of 2004 in the Las Vegas Valley Disposal Boundary, that is the boundary inside of the valley where the BLM can sell land, we identified 46,700 acres. Of those, thus far we have sold 5,813 acres and we have reserved some others for other purposes. I am going to direct you to the number of acres set aside for affordable housing within the valley, which is about 1,392 acres. The map ([Exhibit I](#)) that I gave you depicts where the parcels are scattered throughout the valley. There remain 27,964 acres to be sold.

The question you may be asking is: who sets aside those lands for affordable housing? It is really local governments; they come to the BLM and say, "Could you reserve this parcel of 5 acres, 10 acres, or 20 acres for affordable housing?" We then take that information and reserve parcels and that is where that number, 1,392, comes from. The local government could reserve double or triple that amount if they so desired. There is a myth that I want to put to rest: the BLM does not sell the land in and of ourselves. There is a process that we use for local governments. I get together with all the mayors and county commissioners and we decide what parcels can, in fact, be sold. All parcels that are sold from the Las Vegas Valley come out of the joint selection process. Local governments can then say they simply will not sell parcels if they desire not to do so.

The bottom part of the chart shows you the last land sale. While it is a substantial amount, almost \$12.5 million, we have had larger sales than that. Since we have started selling land in the Las Vegas Valley we have sold about \$2.9 billion worth of land. The good news is that the BLM is working with the local governments. One of the first projects has already been started, and the photographs in ([Exhibit J](#)) are of the groundbreaking ceremony of an affordable housing project. This is not some esoteric, philosophical conversation; we actually have one in play. It is Harmon Pines; I refer you to the second page of the handout ([Exhibit H](#)). Harmon Pines Senior Apartment's five acres had an appraised value of \$3 million, and they received it for \$198,000. That is quite a

substantial reduction in the price for the local government. It is going to be a great facility with 103 units. The second one in the works is the Arby Family Apartments which is a 10-acre site proposed to be done sometime in September. There is a third site of 400 acres that is also in the pipeline. We have many other parcels to talk about, but the pattern is set to get affordable housing built in the southern part of the State. While it might seem unusual that the BLM would be in the business of affordable housing, the law requires us to work together with local governments. It takes a lot of entities to make these projects happen. There is no way that any one entity could make this happen; the local governments, the BLM, local banks, and many local institutions need to be involved to make these projects happen. I want to congratulate all those involved at the local and state level that helped.

Assemblyman Settlemeyer:

I have noticed that you have set forth a standard of percent of median income and then the discount on the land. Will that be a covenant running with the land as a deed restriction since you are the owner of the land and have the right to do that? Does this leave the opportunity for someone to buy land at the reduced price then sell at full value and capture that value when the intention is workforce and labor housing?

Jim Stobaugh:

We look at the project proposal coming through the state or local government, so the relationship is between the Bureau of Land Management and the recipient of the patent. Those issues were left, as the law intended, to be within the control of the local government in dealing with such scenarios. We are about making success stories, like with the Harmon Pines scenario, and we want to be flexible. We want the residents who use and occupy the housing for the periods of affordability stay under the 80 percent level of median area income to meet the requirements of Cranston-Gonzalez. If there are more specific issues such as those, that is between to whom the local government has transferred or conveyed the lands and the local government. Did I answer your question?

Assemblyman Settlemeyer:

I understand that you are leaving it to the control of the local municipality. It would be up to them to set up a deed restriction to ensure that it would be available for future individuals.

Chair Kirkpatrick:

Mr. Palma, did you have anything that you wanted to add? For those of you who were not on the interim housing committee, there is a lengthy process with criteria and some regulations in place.

Juan Palma:

I am looking at Assembly Bill 255 which says that attainable or affordable housing must remain in that capacity for 50 years. The BLM works with local governments to set that time frame as to the time those lands would remain in use for affordable housing.

Assemblywoman Womack:

In Clark County, it looks as though a lot of the lots that are available are the infill lots, is that correct?

Juan Palma:

There are some of those down toward the western part of the city, but if you look to the south, that is still land being developed. That is south of the Blue Diamond Highway, where new developments are going up now.

Chair Kirkpatrick:

We brought local governments in to speak before the Committee at the beginning of session to hear their needs. Affordable housing was a huge part of their concerns. We have a large senior population, and contrary to what many people believe, many seniors fall within the affordable housing income levels. I know that during the interim we worked to streamline the process a bit. Is the process the same in the south as it is in the north? Is the process consistent? If it is not, what can we do on the state level to let local government work more efficiently with the BLM?

Jim Stobaugh:

The process is consistent statewide. There is one additional requirement under the Southern Nevada Public Land Management Act which requires joint selection of disposal lands with the local government. However, BLM is looking outside the Las Vegas Valley to closely work with local governments since they will be the recipients of these patents. It is quite a collaborative effort and new for the BLM, so we want to make sure we are getting it right. The State of Nevada Housing Division works closely with us on the discounts that we have, as well as Housing and Urban Development as the law requires. None of these success stories will happen unless the BLM is working hand in hand with local governments in these disposals. The intent of the law provides that the local governments call the shots where the affordable housing opportunities are in their communities.

Chair Kirkpatrick:

I thank you for coming before Government Affairs. I hope that you can stay and see some of the things that came out of the interim committee and offer any suggestions that you have.

We have two more bills to be heard today. We are going to be able to move through only A.B. 255, so A.B. 358 will be rolled to first thing tomorrow morning.

**Assembly Bill 358: Revises provisions relating to manufactured homes.
(BDR 22-1193)**

[Rescheduled for March 21, 2007]

I invite Mr. Conklin up, and I will sit down at the table as well, so I will turn the meeting over to Vice Chair Pierce.

Assembly Bill 255: Revises and creates provisions relating to housing assistance. (BDR 25-140)

Assemblyman Marcus Conklin, Assembly District No. 37:

I am before you today in my capacity as Chair of the Legislative Commission's Subcommittee to Study the Availability and Inventory of Affordable Housing, which met during the most recent interim. With me is Kelly Gregory of the Research Division of the Legislative Counsel Bureau (LCB). Ms. Gregory was the analyst assigned to the subcommittee and is here to answer any technical questions you might have, and you all know the Chair, Mrs. Kirkpatrick.

During the 2005 Session, the Legislature discussed the implications of rising property values and their effects on property taxes. A by-product of these discussions was the understanding that increasing property values were reducing affordable housing options in this State. As a result, the Legislature enacted Assembly Concurrent Resolution No. 11 of the 73rd Session to conduct a study on the availability of inventory of affordable housing in Nevada. The stated goal of the study was to provide information that will complement the regional approach to growth management and planning throughout the State as well as eliminate duplicative studies and services, thus providing cost savings for all entities currently attempting to generate and compile data on housing. The subcommittee's activities were not limited to the collection of data, however, and the members embraced the opportunity created by the study to consider changes in the State's affordable housing policy.

At the subcommittee's first meeting, the Nevada Housing Database Partnership, created by Tony Ramirez of the United States Department of Housing and Urban Development, explained why the legislation authorizing the subcommittee had been offered. He and others from the Partnership testified that no central repository for collecting data for the State's housing needs currently exists. The group felt that it would be beneficial to have one location to store demographic,

economic, and housing supply data. This centralized database would allow state and local governments to update their municipal, regional, and HUD consolidated plans without hiring a consultant. The Partnership advocated the creation of a position within the State Demographer's Office to create and maintain the database. The subcommittee adopted this as one of its final recommendations, which appears before you this morning in Assembly Bill 255.

The other component of the measure is a result of recommendations brought forward by the Workforce Housing Subcommittee of the Southern Nevada Regional Planning Coalition (SNRPC). First the SNRPC recommended that affordable housing be defined throughout the *Nevada Revised Statutes* (NRS) as housing which is affordable to families whose income does not exceed 80 percent of the area median. Next, a new definition would be created to define workforce housing or attainable housing. This new definition would apply to families whose income is between 80 percent and 120 percent of area median. The revision of these definitions throughout the NRS is intended to provide consistency and allow additional affordable projects to be developed at the local level.

During the discussion of these recommendations, the subcommittee looked at *Nevada Revised Statutes* (NRS) 319.060, which provides a preference for veterans of foreign wars. Separately from the subcommittee's recommendation, I would like to propose an amendment to this bill ([Exhibit K](#)) to include veterans of the Persian Gulf Conflict and the Global War on Terrorism in this particular section.

Assemblywoman Kirkpatrick:

We had the BLM presentation, in order to show some of the tools that we would like to put in place so that we can make sure that every person has the opportunity to own, rent, or live within some type of home.

Assemblyman Conklin:

I do not have statistics from across the State, but affordable and attainable housing is a rather substantial problem and is well documented in Clark County. It is also well documented in Washoe County, but it exists throughout the State. We had folks testify from as far away as Elko about the need for more reasonably priced housing in their communities.

I received some current data up through December 2006 from Clark County last week, so I would like to give some idea of the severity of this particular issue. The median household income in December 2006 was \$58,200. The median price of a new home was \$330,000 and the median price of an existing home for resale was \$285,000. As of December 2006, under the current criteria, one

would need to make 170 percent of the area median income to be able to afford the median new home and 147 percent for an existing home. The discrepancy between wages and house prices is substantial.

This is an acute situation and is not going away any time soon. The market slowed well before these numbers were taken, but the problem is not subsiding. To give an example of that, in July 2005, in the heart of the rise of home prices, the median price of homes compared to the median household income was 160 percent. While that has leveled out, it is still 170 percent. While home prices are rising slower, wages are relatively stagnant, which is complicating what is already a significant problem. These numbers are the microcosm of Clark County; I would submit that the problems are more severe in Washoe County as home prices are actually higher than Clark County.

I believe that Ms. Gregory submitted the amendment; I am not in the habit of amending bills that I testify for, but in this case, I cannot imagine a member of my subcommittee opposing an amendment to add veterans of the first Gulf War and also veterans of wars after September 11th, 2001.

Susan Meuschke, Executive Director, Nevada Network Against Domestic Violence:

[Read from prepared statement ([Exhibit L](#))].

Sabra Smith-Newby, Director of Intergovernmental Relations, Clark County, Nevada:

Clark County is in favor of A.B. 255. Our only request, which I have talked about with Assemblyman Conklin deals with page 7, Section 19, subsection (a), which talks about the development. We would like to clarify that the development includes development, acquisition, construction, improvement, expansion, maintenance, and rehabilitation of affordable and attainable housing. However, this language may be included in another BDR, BDR 20-143. We have not seen that yet, so hopefully that will take care of clarifying that for us. I wanted to get that on the record.

Michael Pennington, representing Reno-Sparks Chamber of Commerce, and Nevada Housing Coalition:

Both organizations speak in favor of the bill. The Reno-Sparks Chamber came before the A.C.R. No. 11 of the 73rd Session interim committee and supported the creation of the database. We think that it will be an important tool in addressing this issue. The Nevada Housing Coalition feels the same. Mr. Nielsen, on behalf of the Nevada Housing Coalition, has worked with the Chair of this Committee and Assemblyman Conklin in the past week to work on some proposed amendments.

Ernest K. Nielsen, Attorney, representing Washoe County Senior Law Project, and Nevada Housing Coalition:

We are in support of A.B. 255, and we have four amendments ([Exhibit M](#)) that will help this bill and help the operation of the account for low income housing. Amendment number one is simply a clean-up; it removes the old welfare language that was put into the bill when it was initially funded to capture some additional federal funds from the Federal Emergency Assistance Program, which no longer exists. The amendment eliminates subsection 3 of NRS 319.510 and rewrites subsection 2 so that it conforms to current practice. The Housing Division supports that change as well.

The second change identifies a logical problem that the LCB found last spring during the A.C.R. No. 11 of the 73rd Session hearings. The change addresses subsection 2(b) to enable 85 percent of the funds to be expended for the rest of the purposes that are defined in subsection 1.

Amendment two does three things. First, it deals with the administrative dollars and second it adds some specific programs from the funding of the Housing Trust Fund, when NRS 319.510 was pegged to the HOME Investment Partnership Program (HOME) dollars that were then in existence. That meant that the maximum dollar amount for administration was \$180,000, which remains true today, but the funding for the Housing Trust Fund has increased from about \$1.5 million to \$10 million. We need to modernize and also make those administrative dollars available to the local jurisdictions as pass-through.

The third thing that this amendment does is account for some funding for the matching dollars for Homeless Management Information Services. The amendment also provides money for the Nevada Housing Registry, which enables consumers to quickly identify available housing in their community and adds funding for the database. We recognize that the A.C.R. No. 11 of the 73rd Session committee authorized only \$175,000 from the Housing Trust Fund, but working with the stakeholders and forming a reasonable consensus, the group decided that \$250,000 is a more appropriate number. The developers of affordable housing who most use the Trust Fund are in accord with that as a necessary part of the infrastructure.

Amendment three reconciles the Nevada Housing Coalition's original position, where we did not want any dilution to the existing Housing Trust Fund. The A.C.R. No. 11 of the 73rd Session committee recommended that the eligibility for funds from that account for low income housing be raised from 60 percent of median to 80 percent of median. There was discussion about not wanting to dilute the impact of the existing fund, so we reconciled the A.C.R. No. 11 of the 73rd Session committee's and the Housing Coalition's desire to continue to

preserve the dollars that currently come from the transfer tax to the 60 percent median and below. That would allow other new funds to be expended for housing for those who are at 0 percent to 80 percent median.

Amendment four slightly changes Section 5 of the bill concerning the Housing Registry to conform the language to actual intent of the stakeholders and those who presented it. Sherri Manning from the Office of Disability Services is here if the Committee wishes any information from her regarding the Housing Registry.

Ann Harrington, Nevada Housing Coalition and Washoe County Regional Housing Task Force:

We support A.B. 255. We support the amendments as proposed. To build on what Assemblyman Conklin talked about, the affordability gap and home ownership in Clark County, we have a study that was done in Washoe County. It states that as of June 2006, the affordability gap between first-time homeowners earning about 80 percent of median income and the median home price was about \$185,000. They would be \$185,000 short of buying a home. What is even more disturbing in this study is that over 70,000 households statewide pay more than a third of their income on rent and are one paycheck away from being homeless.

Assemblywoman Kirkpatrick:

In our testimony we did not mention the importance of the database. Currently, Nevada does not have a database and thus the State is missing out on several hundred million dollar federal grants. The State cannot even apply for them because the necessary data does not exist. The database is very contentious. We, the A.C.R. No. 11 of the 73rd Session Committee, asked for it in several different bills and asked local government to be part of the team. I want to stress why we need it; we cannot fix a problem if we do not have any information from which to work.

Assemblyman Stewart:

Those who qualify for this, in the service of the Armed Forces of the United States, would you also consider the Nevada National Guard?

Vice Chair Pierce:

I am going to call those who would like to speak in neutrality.

Jack Mayes, Executive Director, Nevada Disability Advocacy & Law Center:

I am here representing a couple of entities and the broader disabled community in general to stress the need for information on housing. All of the previous speakers did a great job in presenting the need for housing, but I would like to add a couple of points.

I am a member of the Developmental Disabilities Council and we are committed to improving housing in this State. That is why we have been involved with accessible space projects throughout the State of Nevada. We want affordable, accessible housing for people with disabilities.

I am also the Chair of the Disability Strategic Plan Accountability Committee and housing has consistently been one of our top concerns, especially with the increase in property values. That affects rent and as a result many of our clients are having trouble finding places to live. It is my feeling that the lack of affordable housing is one of the root causes of the homeless mentally ill in Las Vegas. There simply is not a place for those individuals to be, or if they run into problems, they quickly lose their housing.

Another issue that my agency is involved with is individuals who have been institutionalized in nursing homes, for example, in other states. We work with consumers who want to move back to Nevada, but it can take up to two years to get housing. The only thing that interferes with people returning is finding a place that is accessible and affordable. I would like to encourage you to support A.B. 255.

Dino DiCianno, Executive Director, Department of Taxation:

The State Demographer is an employee of the Department of Taxation. He will be charged with conducting this study. We have some concerns with what is expected of the demographer, and we are requesting the opportunity to work with the sponsor of the bill to discuss some of our concerns. We want to be able to provide the best product possible and to know how the change from \$175,000 to \$250,000 will impact our budget.

Vice Chair Pierce:

We are closing the hearing on A.B. 255.

[The Chair came back to her seat.]

Chair Kirkpatrick:

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

[Meeting adjourned 10:57 a.m.]

RESPECTFULLY SUBMITTED:

Emilie Reafs
Committee Secretary

APPROVED BY:

Assemblywoman Marilyn K. Kirkpatrick, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Government Affairs

Date: March 20, 2007

Time of Meeting: 9:00 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
	C	Bureau of Land Management	Nevada Offices
	D	Bureau of Land Management	PowerPoint Presentation
	E	Bureau of Land Management	Nevada Disposal Lands Map
	F	Bureau of Land Management	Website Printout
	G	Bureau of Land Management	Land Disposal Nomination Form
	H	Bureau of Land Management	Southern Nevada Public Lands Management Act handout
	I	Bureau of Land Management	Affordable Housing Reservations Map
	J	Bureau of Land Management	Photographs
A.B. 255	K	Assemblyman Marcus Conklin	Proposed Amendment
A.B. 255	L	Nevada Network Against Domestic Violence	Prepared Statement
A.B. 255	M	Washoe County Senior Law Project	Proposed Amendments